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1
              IN THE UNITED STATES DISTRICT COURT
             FOR THE WESTERN DISTRICT OF WISCONSIN
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 3
     JOSHUA J. BELOW, by his Guardian,
     DEBRA BELOW, CHARLIE ELIZABETH
     BELOW and PATRICK JOSHUA BELOW, et al,
 4
 5
              Plaintiffs,
 6
         and
 7
     DEAN HEALTH PLAN, INC.,
 8
              Involuntary Plaintiff,
 9
         and
10
     STAR BLUE BELOW-KOPF, by her Guardian
     ad Litem, Teresa K. Kobelt,
11
              Intervening Plaintiff,
12
                                    C.A. NO. 3:15-CV-00529
         vs.
13
     YOKOHAMA TIRE CORPORATION, ABC
14
     INSURANCE COMPANY, YOKOHAMA
     CORPORATION OF AMERICA, DEF INSURANCE
     COMPANY, YOKOHAMA CORPORATION OF
15
     NORTH AMERICA, GHI INSURANCE COMPANY,
     YOKOHAMA TIRE MANUFACTURING VIRGINIA,
16
     LLC, JKL INSURANCE COMPANY, YOKOHAMA
     RUBBER COMPANY, LTD, and MNO INSURANCE
17
     COMPANY,
18
              Defendants.
19
20
        VIDEO DEPOSITION: DENNIS D. SKOGEN, MSME
21
               DATE/TIME: October 13, 2016 - 9:05 a.m.
22
                           HABUSH, HABUSH & ROTTIER, S.C.
                LOCATION:
23
                           150 East Gilman Street, #2000
                           Madison, Wisconsin 53703
24
     Job Number: 343546
25
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1	A-P-P-E-A-R-A-N-C-E-	Page 2	1	Page 4 P-R-O-C-E-E-D-I-N-G-S
2	HABUSH, HABUSH & ROTTIER, S.C		2	THE VIDEOGRAPHER: This is the
	CHRISTOPHER ROGERS, ATTORNEY-		3	beginning of disk No. 1 in the deposition of
3	150 East Gilman Street, Suite Madison, Wisconsin 53703	2000		
4	appeared on behalf of the Pla	intiffs	4	Dennis Skogen in the matter of Below, et al,
5	JOHNSON, TRENT, WEST & TAYLOR		5	versus Yokohama Tire Corporation, et al, held
6	RAPHAEL TAYLOR, ATTORNEY-AT-L 919 Milam, Suite 1700	AW	6	at the offices of Habush, Habush & Rottier
	Houston, Texas 77002		7	located at 150 East Gilman Street in Madison,
7	appeared on behalf of the Def		8	Wisconsin. Today's date is Thursday, October
8	KASDORF, LEWIS & SWIETLIK, S. JAMES J. KRIVA, ATTORNEY-AT-L		9	13th, 2016, at 9:05 a.m.
9	11270 West Park Place, 5th Fl		10	The court reporter is Doreen
10	Milwaukee, Wisconsin 53224	ondonta	11	Brown-Schwager. I am Marco Santilli, the
11	appeared on behalf of the Def VIDEOGRAPHER: Marco Santilli		12	videographer, on behalf of Litigation
12	* * * *		13	Services.
13 14	TRANSCRIPT INDEX - DENNIS D		14	This deposition is being videotaped at
15	EXAMINATION BY	PAGE NO.	15	all times unless specified to go off the
16	Mr. Taylor	5	16	record off the video record.
17	Mr. Rogers Mr. Taylor	152 152	17	Would all present please identify
18	Mr. Taylor			
19	EXHIBITS DESCRIPTION	PAGE MARKED	18	themselves, beginning with the witness?
20	Exhibit 25 Notice of Deposition D Tecum	uces 28	19	THE WITNESS: My name is Dennis
21	recuii		20	Skogen.
l	Exhibit 26 2/29/16 accident analy	sis 32	21	MR. TAYLOR: My name is Rafe Taylor.
22 23	report (SKO0660-077) Exhibit 27 Skogen invoices to Rot	tier 34	22	I'm here for the Yokohama entities.
	(SK0003-010)	CICI 51	23	MR. ROGERS: My name is Christopher
24	T 1-11-1 00 dl	40	24	Rogers of the Habush firm. I'm here for Joshua
25	Exhibit 28 Skogen CV (SK0001-002)	40	25	J. Below, by his guardian, Deb Below, Charlie
		Page 3		Page 5
1	Exhibit 29 Indexed deposition of		1	Elizabeth and Patrick Joshua Below.
2	Stoffel		2	MR. KRIVA: Jim Kriva of Kasdorf,
_	Exhibit 30 Indexed deposition of	Chad 42	3	Lewis & Swietlik, co-counsel for Yokohama Tire
3	Thompson	40	4	Company, et al, Defendants.
4 5	Exhibit 31 Rule 26 list Exhibit 32 CD, inspection photos	42 44	5	THE VIDEOGRAPHER: Will the court
	1-336 (SKO011)		6	reporter please swear in the witness?
6	Exhibit 33 File, Google Street Vi	ew 45	7	WHEREUPON, DENNIS D. SKOGEN, being
7	(SKO129-135)	CW 13	8	first duly sworn, was examined as follows:
8	Exhibit 34 File, calculations	46	9	E-X-A-M-I-N-A-T-I-O-N
9	(SKO136-137)		10	BY MR. TAYLOR:
1.0	Exhibit 35 File, inspection notes	47	11	Q. Would you state your full name for the record,
10 11	(SKO138-149) Exhibit 36 Skogen scale drawing	49	12	please?
	(SK0078)			· · · · · · · · · · · · · · · · · · ·
12	Exhibit 37 9/15/16 letter to Skog	en 65	13	A. Yes. My name is Dennis Skogen.
13	from Munson with Jesse		14	Q. Mr. Skogen, my name is Rafe Taylor, and I
1,4	statement		15	represent the Yokohama entities that have been
14	Exhibit 38 File, vehicle		16	sued by Mr. Below and his family. Do you
15	specifications (SKO079		17	understand that?
16 17	REQUESTED DOCUMENTATION	PAGE NO.	18	A. I do.
18	None	IAOLI NO.	19	Q. Have you agreed to serve as an expert witness
19	NOTE: Original transporint provided	+o Mr. Torrlow	20	on behalf of the Belows?
20	NOTE: Original transcript provided Original exhibits returned t	-	21	A. Yes, I have.
21	with copies provided as requ		22	Q. I understand from looking at your curriculum
22	reporter.		23	vitae that you are familiar with the deposition
23			24	process?
24 25			25	A. Yes.
45				

# 

		Daga 6			Dogo 0
1	Q.	Page 6 Do you need me to go through the ground rules	1		Page 8 power takeoffs work and how people became
2		with you?	2		injured when they contacted the power
3	A.	No.	3		takeoffs.
4	٥.	Fair enough.	4		I've had cases involving the
5	~	Looking at your Rule 26 list, it	5		performance of especially related to safety
6		appears that you do at least ten to 12	6		of various types of agricultural equipment,
7		depositions or trial appearances per year at	7		including skid-steer loaders, other pieces of
8		least out of the last three or four years, is	8		equipment that would be used in the farmstead
9		that correct?	9		that wouldn't fall directly within those
	70				•
10	Α.	Yes.	10	•	parameters.
11	Q.	Somewhere in your report, you indicated that	11	Q.	In the last four years, how many times have you
12		you investigated at least 8,000 different	12		investigated a single-vehicle accident?
13		accidents in your career, is that right?	13	A.	I never kept track. I don't know. Last four
14	A.	Yes.	14		years? Maybe five or six a year. I don't have
15	Q.	And not all of those have been automobile	15		a number that I can give you at all.
16		accidents, is that correct?	16	Q.	Interestingly you put your date of birth on
17	A.	You are correct.	17		your curriculum vitae. It's December 22nd,
18	Q.	Can you give us an idea or a percentage of the	18		1945, correct?
19		work that you've done in your 46-year career	19	A.	Yes. I did put it there.
20		that would include automobile accidents?	20	Q.	And it is December 22nd, 1945?
21	A.	When I originally started in 1970, most of the	21	A.	Yes.
22		work I did involved automobile accidents. So	22	Q.	And so you're 71?
23		that would be a high percentage. But then	23	A.	No. I'll be 71 December 22nd.
24		clients would ask me to analyze accidents	24	Q.	It's coming up?
25		involving farm machinery and other kinds of	25	A.	Yes.
			1		
		Daga 7			Daga 0
1		Page 7 equipment over the years.	1	0.	Page 9 You're a licensed engineer in Wisconsin?
1 2		equipment over the years.	<b>1</b> 2	Q. A.	Page 9 You're a licensed engineer in Wisconsin? Yes.
2		equipment over the years.  Currently I suppose it's not quite 50	2	Α.	You're a licensed engineer in Wisconsin? Yes.
2 3		equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest	2 <b>3</b>	A. Q.	You're a licensed engineer in Wisconsin? Yes. Any other states?
2 3 4	0.	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.	2 3 4	Α.	You're a licensed engineer in Wisconsin? Yes. Any other states? I'm not currently in any other states licensed
2 3 4 5	Q.	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?	2 3 4 5	A. Q. A.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer.
2 3 4 <b>5</b> 6	Q. A.	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed	2 3 4 5 6	A. Q. A.	You're a licensed engineer in Wisconsin? Yes. Any other states? I'm not currently in any other states licensed as a professional engineer. Have you been before?
2 3 4 5 6 7	-	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery	2 3 4 5 6 7	A. Q. A. Q. A.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer.  Have you been before? Yes.
2 3 4 <b>5</b> 6 7 8	-	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural	2 3 4 5 6 7 8	A. Q. A. Q. A. Q.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer.  Have you been before? Yes. Where else?
2 3 4 <b>5</b> 6 7 8	-	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural machinery and sometimes other types of	2 3 4 5 6 7 8 9	A. Q. A. Q. A. A.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer. Have you been before? Yes. Where else? In Iowa and Alabama.
2 3 4 5 6 7 8 9	-	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural machinery and sometimes other types of accidents or incidents.	2 3 4 5 6 7 8 9	A. Q. A. Q. A. Q.	You're a licensed engineer in Wisconsin? Yes. Any other states? I'm not currently in any other states licensed as a professional engineer. Have you been before? Yes. Where else? In Iowa and Alabama. In Iowa, did you allow that license to lapse,
2 3 4 5 6 7 8 9 10	-	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural machinery and sometimes other types of accidents or incidents.  And so if you want me to go through	2 3 4 5 6 7 8 9 10	A. Q. A. Q. A. A.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer.  Have you been before? Yes.  Where else? In Iowa and Alabama. In Iowa, did you allow that license to lapse, or was it for some reason suspended or
2 3 4 5 6 7 8 9 10 11 12	-	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural machinery and sometimes other types of accidents or incidents.  And so if you want me to go through the categories or name the kinds of machinery	2 3 4 5 6 7 8 9 10 11 12	A. Q. A. Q. A. Q. A. Q.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer.  Have you been before? Yes.  Where else? In Iowa and Alabama. In Iowa, did you allow that license to lapse, or was it for some reason suspended or revoked?
2 3 4 5 6 7 8 9 10 11 12 13	-	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural machinery and sometimes other types of accidents or incidents.  And so if you want me to go through the categories or name the kinds of machinery in agriculture or industry that I've analyzed,	2 3 4 5 6 7 8 9 10 11 12	A. Q. A. Q. A. A.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer. Have you been before? Yes.  Where else? In Iowa and Alabama. In Iowa, did you allow that license to lapse, or was it for some reason suspended or revoked? No. It wasn't suspended or revoked. I stopped
2 3 4 5 6 7 8 9 10 11 12 13 14	Α.	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural machinery and sometimes other types of accidents or incidents.  And so if you want me to go through the categories or name the kinds of machinery in agriculture or industry that I've analyzed, I can certainly do so.	2 3 4 5 6 7 8 9 10 11 12 13	A. Q. A. Q. A. Q. A. A.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer. Have you been before? Yes. Where else? In Iowa and Alabama. In Iowa, did you allow that license to lapse, or was it for some reason suspended or revoked? No. It wasn't suspended or revoked. I stopped paying the fees basically.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Α.	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural machinery and sometimes other types of accidents or incidents.  And so if you want me to go through the categories or name the kinds of machinery in agriculture or industry that I've analyzed, I can certainly do so.  What would those be?  Yes. If we start with agricultural accidents,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. A. Q. A. A.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer.  Have you been before? Yes.  Where else? In Iowa and Alabama. In Iowa, did you allow that license to lapse, or was it for some reason suspended or revoked? No. It wasn't suspended or revoked. I stopped paying the fees basically.  Fair enough.  In Alabama, was that license suspended
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q.	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural machinery and sometimes other types of accidents or incidents.  And so if you want me to go through the categories or name the kinds of machinery in agriculture or industry that I've analyzed, I can certainly do so.  What would those be?  Yes. If we start with agricultural accidents, and knowing that I was raised on a farm, I've	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Q. A. Q. A. Q.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer. Have you been before? Yes. Where else? In Iowa and Alabama. In Iowa, did you allow that license to lapse, or was it for some reason suspended or revoked? No. It wasn't suspended or revoked. I stopped paying the fees basically. Fair enough.  In Alabama, was that license suspended or revoked?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q.	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural machinery and sometimes other types of accidents or incidents.  And so if you want me to go through the categories or name the kinds of machinery in agriculture or industry that I've analyzed, I can certainly do so.  What would those be?  Yes. If we start with agricultural accidents, and knowing that I was raised on a farm, I've had to I've been called upon to analyze accidents involving agricultural tractors, implements, including forage wagons, manure	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q. A. Q. A. Q. A. Q.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer. Have you been before? Yes. Where else? In Iowa and Alabama. In Iowa, did you allow that license to lapse, or was it for some reason suspended or revoked? No. It wasn't suspended or revoked. I stopped paying the fees basically. Fair enough.  In Alabama, was that license suspended or revoked? No. It was not suspended or revoked. Has your license in Wisconsin ever been suspended or revoked?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q.	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural machinery and sometimes other types of accidents or incidents.  And so if you want me to go through the categories or name the kinds of machinery in agriculture or industry that I've analyzed, I can certainly do so.  What would those be?  Yes. If we start with agricultural accidents, and knowing that I was raised on a farm, I've had to I've been called upon to analyze accidents involving agricultural tractors, implements, including forage wagons, manure spreaders, farm elevators. Then farmstead	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer. Have you been before? Yes. Where else? In Iowa and Alabama. In Iowa, did you allow that license to lapse, or was it for some reason suspended or revoked? No. It wasn't suspended or revoked. I stopped paying the fees basically. Fair enough.  In Alabama, was that license suspended or revoked? No. It was not suspended or revoked. Has your license in Wisconsin ever been suspended or revoked? No, sir.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q.	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural machinery and sometimes other types of accidents or incidents.  And so if you want me to go through the categories or name the kinds of machinery in agriculture or industry that I've analyzed, I can certainly do so.  What would those be?  Yes. If we start with agricultural accidents, and knowing that I was raised on a farm, I've had to I've been called upon to analyze accidents involving agricultural tractors, implements, including forage wagons, manure spreaders, farm elevators. Then farmstead equipment involving silo unloaders, silo	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer. Have you been before? Yes. Where else? In Iowa and Alabama. In Iowa, did you allow that license to lapse, or was it for some reason suspended or revoked? No. It wasn't suspended or revoked. I stopped paying the fees basically. Fair enough.  In Alabama, was that license suspended or revoked? No. It was not suspended or revoked. Has your license in Wisconsin ever been suspended or revoked? No, sir. You mentioned you hold a mechanical engineering
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q.	equipment over the years.  Currently I suppose it's not quite 50 percent motor vehicle accidents, and the rest would be other types of accidents.  What are the other types of accidents?  As a mechanical engineer, I've analyzed accidents involving machinery. That machinery would be industrial machinery and agricultural machinery and sometimes other types of accidents or incidents.  And so if you want me to go through the categories or name the kinds of machinery in agriculture or industry that I've analyzed, I can certainly do so.  What would those be?  Yes. If we start with agricultural accidents, and knowing that I was raised on a farm, I've had to I've been called upon to analyze accidents involving agricultural tractors, implements, including forage wagons, manure spreaders, farm elevators. Then farmstead equipment involving silo unloaders, silo fillers, barn cleaners.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q. A. Q. A. Q.	You're a licensed engineer in Wisconsin? Yes.  Any other states? I'm not currently in any other states licensed as a professional engineer. Have you been before? Yes. Where else? In Iowa and Alabama. In Iowa, did you allow that license to lapse, or was it for some reason suspended or revoked? No. It wasn't suspended or revoked. I stopped paying the fees basically. Fair enough.  In Alabama, was that license suspended or revoked? No. It was not suspended or revoked. Has your license in Wisconsin ever been suspended or revoked? No, sir. You mentioned you hold a mechanical engineering degree?

		Page 10			Page 12
1		correct?	1		stated.
2	A.	And master's degree in both.	2	Q.	Okay. Certainly you understood that at some
3	Q.	Right. You started your master's in 1970 and	3		point you would be reconstructing this accident
4		completed it in 1986?	4		when you were hired?
5	A.	Correct.	5	A.	Potentially, yes.
6	Q.	Do you hold any other certificates or degrees?	6		So you understand, many times we're
7	A.	No.	7		contacted to preserve evidence, to gather
8	Q.	You've been serving as an accident	8		evidence, and then to hold the evidence in case
9		reconstructionist on some level, whether it be	9		there's something that a matter that
10		automobile, farm equipment or otherwise, for	10		proceeds. And then later we may be asked to
11		about 46 years, is that right?	11		reconstruct the accident.
12	A.	True.	12	Q.	When did your understanding go from an
13	Q.	By whom were you retained?	13		inference to a directive that you would be
14	A.	In this matter, we were originally contacted by	14		reconstructing the accident?
15		Mr. Rottier.	15	A.	I would say within a year or two after that
16	Q.	My understanding is the date of the accident	16		time, after we were initially contacted.
17		involving Mr. Below was September the 14th,	17	Q.	You're thumbing through your file. Are you
18		2013, is that right?	18		looking for a specific set of notes that would
19	A.	Yes.	19		answer that question more directly?
20	Q.	And you had your first contact with Dan Rottier	20	A.	I'm still looking for the new case outline.
21		on October the 13th, 2013, is that right?	21	Q.	Do you want to take a second and see if you can
22	A.	October the 30th, yes.	22		can find it?
23	Q.	October 30th?	23	A.	Yes, sir.
24	A.	Yes. Let me look at my new case outline which	24	Q.	See if it would help you with some of these
25		would be in the file, and it's previously been	25		questions?
		Page 11			Page 13
1		Page 11 marked with a Bates number.	1	Α.	Page 13 Depends upon where it is in the stack, but it's
1 2	Q.		1 2	Α.	9
	<b>Q.</b> A.	marked with a Bates number.		Α.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the
2	-	marked with a Bates number.  Sure. I may have just written it down wrong.	2	Α.	Depends upon where it is in the stack, but it's a document that's filled out when we're first
<b>2</b> 3	-	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give	2 3	Α.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the
<b>2</b> 3 4	Α.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.	2 3 4	Α.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people
2 3 4 5	A. Q.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.	2 3 4 5	Α.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the
2 3 4 5 6	A. Q.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or	2 3 4 5 6	A. Q.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they
2 3 4 5 6 7	A. Q. A.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.	2 3 4 5 6		Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.
2 3 4 5 6 7 8	A. Q. A.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.	2 3 4 5 6 7 <b>8</b> <b>9</b>		Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually
2 3 4 5 6 7 8 9 10	A. Q. A. A.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.	2 3 4 5 6 7 8 9 10 11	Q.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.
2 3 4 5 6 7 8 9 10 11	A. Q. A. A.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were	2 3 4 5 6 7 <b>8</b> <b>9</b>	Q.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92,
2 3 4 5 6 7 8 9 10 11 12	A. Q. A. Q. A. Q.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were contacted by Mr. Rottier about this case?	2 3 4 5 6 7 8 9 10 11 12 13	Q. A.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92, because I found it.  Fantastic.  And we were contacted by Mr. Rottier on
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A. Q. A.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were contacted by Mr. Rottier about this case?  Yes, sir.  What were you told your role would be in this case?	2 3 4 5 6 7 8 9 10 11 12 13	Q. A. Q.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92, because I found it.  Fantastic.  And we were contacted by Mr. Rottier on October 30th, 2013, and as I said, the date of
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A. Q. A.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were contacted by Mr. Rottier about this case?  Yes, sir.  What were you told your role would be in this case?  I'm not sure we were told a role per se. It	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. A. Q.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92, because I found it.  Fantastic.  And we were contacted by Mr. Rottier on October 30th, 2013, and as I said, the date of the accident was given along with the name of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. A. Q.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were contacted by Mr. Rottier about this case?  Yes, sir.  What were you told your role would be in this case?  I'm not sure we were told a role per se. It was my understanding that we were to open a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. A. Q.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92, because I found it.  Fantastic.  And we were contacted by Mr. Rottier on October 30th, 2013, and as I said, the date of the accident was given along with the name of the involved driver, Mr. Below.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Q. A. Q.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were contacted by Mr. Rottier about this case?  Yes, sir.  What were you told your role would be in this case?  I'm not sure we were told a role per se. It was my understanding that we were to open a file, and as we do so many times to preserve	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. A. Q. A.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92, because I found it.  Fantastic.  And we were contacted by Mr. Rottier on October 30th, 2013, and as I said, the date of the accident was given along with the name of the involved driver, Mr. Below.  May I see that document?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were contacted by Mr. Rottier about this case?  Yes, sir.  What were you told your role would be in this case?  I'm not sure we were told a role per se. It was my understanding that we were to open a file, and as we do so many times to preserve evidence, in other words, to review information	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q. A. A.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92, because I found it.  Fantastic.  And we were contacted by Mr. Rottier on October 30th, 2013, and as I said, the date of the accident was given along with the name of the involved driver, Mr. Below.  May I see that document?  You certainly may.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Q. A. Q. A. Q.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were contacted by Mr. Rottier about this case?  Yes, sir.  What were you told your role would be in this case?  I'm not sure we were told a role per se. It was my understanding that we were to open a file, and as we do so many times to preserve evidence, in other words, to review information that was provided to us and that we gathered	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q. A.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92, because I found it.  Fantastic.  And we were contacted by Mr. Rottier on October 30th, 2013, and as I said, the date of the accident was given along with the name of the involved driver, Mr. Below.  May I see that document?  You certainly may.  Thank you.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q. A. Q.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were contacted by Mr. Rottier about this case?  Yes, sir.  What were you told your role would be in this case?  I'm not sure we were told a role per se. It was my understanding that we were to open a file, and as we do so many times to preserve evidence, in other words, to review information that was provided to us and that we gathered ourselves to be in a position so that we could	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. A. Q. A. A.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92, because I found it.  Fantastic.  And we were contacted by Mr. Rottier on October 30th, 2013, and as I said, the date of the accident was given along with the name of the involved driver, Mr. Below.  May I see that document?  You certainly may.  Thank you.  Did you have the conversation with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A. Q.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were contacted by Mr. Rottier about this case?  Yes, sir.  What were you told your role would be in this case?  I'm not sure we were told a role per se. It was my understanding that we were to open a file, and as we do so many times to preserve evidence, in other words, to review information that was provided to us and that we gathered ourselves to be in a position so that we could subsequently reconstruct the accident, if	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92, because I found it.  Fantastic.  And we were contacted by Mr. Rottier on October 30th, 2013, and as I said, the date of the accident was given along with the name of the involved driver, Mr. Below.  May I see that document?  You certainly may.  Thank you.  Did you have the conversation with  Mr. Rottier on December 30th, 2013?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were contacted by Mr. Rottier about this case?  Yes, sir.  What were you told your role would be in this case?  I'm not sure we were told a role per se. It was my understanding that we were to open a file, and as we do so many times to preserve evidence, in other words, to review information that was provided to us and that we gathered ourselves to be in a position so that we could subsequently reconstruct the accident, if needed.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q. A.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92, because I found it.  Fantastic.  And we were contacted by Mr. Rottier on October 30th, 2013, and as I said, the date of the accident was given along with the name of the involved driver, Mr. Below.  May I see that document?  You certainly may.  Thank you.  Did you have the conversation with  Mr. Rottier on December 30th, 2013?  I may have. I don't recall doing so.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were contacted by Mr. Rottier about this case?  Yes, sir.  What were you told your role would be in this case?  I'm not sure we were told a role per se. It was my understanding that we were to open a file, and as we do so many times to preserve evidence, in other words, to review information that was provided to us and that we gathered ourselves to be in a position so that we could subsequently reconstruct the accident, if needed.  So you were not initially hired to reconstruct	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A. Q.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92, because I found it.  Fantastic.  And we were contacted by Mr. Rottier on October 30th, 2013, and as I said, the date of the accident was given along with the name of the involved driver, Mr. Below.  May I see that document?  You certainly may.  Thank you.  Did you have the conversation with  Mr. Rottier on December 30th, 2013?  I may have. I don't recall doing so.  Can you tell from that document?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A.	marked with a Bates number.  Sure. I may have just written it down wrong.  I know it's contained in the materials, so give me just a moment to find it.  Sure. I think it's in your report actually.  Yes. I have that down as September 30th or pardon me. October 30th, 2013.  Well, let's go with that day for now.  That's fine.  Roughly six weeks after the accident you were contacted by Mr. Rottier about this case?  Yes, sir.  What were you told your role would be in this case?  I'm not sure we were told a role per se. It was my understanding that we were to open a file, and as we do so many times to preserve evidence, in other words, to review information that was provided to us and that we gathered ourselves to be in a position so that we could subsequently reconstruct the accident, if needed.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q. A.	Depends upon where it is in the stack, but it's a document that's filled out when we're first retained, and it gives the name of the contacting party, the names of the people involved, the date of the accident, and the name of the contacting party and when they contacted us.  I can tell you that I don't think I've actually seen that document.  It's been previously numbered as 92, Bates 92, because I found it.  Fantastic.  And we were contacted by Mr. Rottier on October 30th, 2013, and as I said, the date of the accident was given along with the name of the involved driver, Mr. Below.  May I see that document?  You certainly may.  Thank you.  Did you have the conversation with  Mr. Rottier on December 30th, 2013?  I may have. I don't recall doing so.

		Page 14			Page 16
1		Exhibit 92, when there's a call to our	1		Mr. Rottier, is that correct?
2		office, my assistant, Mary Stoflet, types up	2	A.	Optimistically so. I try to, yes.
3		Exhibit 92.	3	Q.	That's how you get paid, right?
4	Q.	Sure.	4	A.	Well, the company gets paid by the hour, yes.
5	A.	So I Usually I talk to people at that time,	5	Q.	Sure. And can you tell by your billing
6		but I may not have been available. I simply	6		records, was that August 5th, 2014 the next
7		don't recall talking or not talking with	7		billing entry after the file was opened up?
8		Mr. Rottier at that time.	8	A.	It appears to be so, yes.
9	Q.	What would have that call spurred in your	9	٥.	You would certainly expect anyone in your
10	~	office? In other words, what chain of events	10	~	office with the ability to capture time to do
11		would that have set in motion?	11		so when they receive something on a file,
12	Α.	What happens is we open a file, and we have the	12		wouldn't you?
13		name of the driver, so if we're contacted by	13	Α.	Well again, optimistically so, but I know it
14		someone else we would have a conflict of	14		doesn't always happen.
15		interest. And then we wait for information	15	Q.	Believe me, you're preaching to the choir right
16		from the client, such as receiving police	16	χ.	now. I understand.
17		reports and photographs and other information	17		Ultimately I'm assuming sometime then
18		which is sent to us.	18		after August the 5th of 2014, you were
19	Q.	Do you have something in your file that	19		instructed to do a reconstruction of this
20	×٠	indicates when the next point in time was that	20		accident?
21		you received information from Mr. Rottier's	21	Α.	To inspect and survey the accident, yes.
22		office?	22	Q.	Uh-huh.
23	Α.	I don't know if there's a sequential way to	23	<b>Ω.</b> Α.	And then that's implied as it would have been
24	л.	determine that, because sometimes materials are	24	n.	during the first contact that there may be a
25		delivered to us in person. Sometimes, such as	25		time for a reconstruction at a later date.
23		derivered to us in person. Sometimes, such as	25		time for a reconstruction at a fater date.
1		Page 15		^	Page 17
1 2		the August 5th, 2014 letter from Mr. Jarvis,	1 2	Q.	What did your group do to preserve the evidence
l		which came by UPS, delivered the CD of	3		between your initial contact on October 30th,
3 4		photographs taken at the accident scene.	4		2013 and your subsequent contact on August the 5th of 2014 for Mr. Rottier's office?
l		That may be the next contact, but I can't be		7	
5		certain whether there was a phone call or	5	Α.	I don't recall us doing anything of that
6		some other information that was provided in	6		nature. We didn't survey the site or inspect
7		person.	7	_	anything prior to that site inspection.
8		And that's the best answer I can	8	Q.	And pardon me, but I thought what you told us
9	_	give.	9		was your role was after you opened the file,
10	Q.	During that phone call that Strike that.	10		one of your roles was to preserve the
11		During that initial phone call from	11		evidence?
12		Mr. Rottier, would someone in your office have	12	Α.	Correct.
13		inquired as to the availability of the subject	13	Q.	And so there was nothing no overt action
14	-	vehicle?	14		taken by your group between October the 30th,
15	Α.	Not necessarily, no.	15		2013 and August 5th, 2014 to preserve the
16	Q.	Why not?	16		evidence?
17	A.	Because we wait for information to come from	17	Α.	I'm not sure I know what you mean by overt
18		the the client as to we usually like to	18		action. I can say that we didn't inspect the
19		have a police report so we can check the names,	19		site until August of 2014.
20		and then photographs of the scene. And then	20	Q.	Uh-huh.
21		depending what the assignment is, we may	21	A.	And I don't have a record of something else
22		inspect the vehicle and an inquiry would be	22		being done between the time of original contact
23		made at that time.	23		and the survey of the site.
24	Q.	And certainly you account for your time by	24	Q.	In order to reconstruct the the accident,
25		billing your time to your clients such as	25		you had analyzed information related to the

1		Page 18			Page 20
1		vehicle involved, correct?	1	Q.	How about any of the other tires that were on
2	A.	Yes.	2		the vehicle; do you have any are you going
3	Q.	In order to reconstruct the accident, you had	3		to offer any opinions with regard to the design
4		to analyze the information related to the	4		or manufacture of those tires?
5		trailer and its contents that were being pulled	5	A.	No.
6		by the subject vehicle, correct?	6	Q.	Do you intend to offer any opinions with regard
7	A.	Yes.	7		to the injury causation in this accident?
8	Q.	In order to analyze the Strike that. In	8	A.	Well, if asked. Mr. Below was injured in the
9		order to reconstruct the accident, you had to	9		accident, but the mechanisms of it, the details
10		analyze the information related to the driver	10		of it, I haven't been asked to analyze.
11		of the vehicle, right?	11	Q.	Okay.
12	A.	Not so much the driver, no. I was analyzing	12	A.	And don't anticipate giving an opinion
13		what the vehicle did.	13		accordingly.
14	Q.	Okay. You didn't analyze what the driver	14	Q.	Sometimes we call that the biomechanics of the
15		did?	15		accident. Have you been asked to analyze the
16	A.	Well, I certainly implied he was driving the	16		biomechanics of this accident?
17		vehicle. Of course.	17	Α.	I have not.
18	Q.	Sure.	18	٥.	Do you intend to offer any opinions with regard
19	Α.	And I understand he was in the vehicle and was	19	~-	to the biomechanics of this accident?
20		injured as a result of the accident. But what	20	Α.	I had no intention, but it depends on questions
21		the driver was actually doing in the accident,	21		you might ask today. But I had no intention of
22		I haven't been asked to analyze that, if it can	22		doing so.
23		be analyzed.	23	Q.	And that's fair. You understand we're in
24	Q.	Was part of your analysis in reconstructing the	24	χ.	federal court, you've been in federal court a
25	z.	accident to look at the environment or the	25		number of times, correct?
					•
1		Page 19 roadway where the accident occurred?	1	Α.	Page 21 I have.
2	Α.	Yes.	2	Q.	And you've issued a report in this case that
3				~	
-	ο.	Going back to Mr. Below, he was the driver,	3		outlines your opinions and the basis of those
4	Q.	Going back to Mr. Below, he was the driver, correct?	3		outlines your opinions and the basis of those opinions, correct?
<b>4</b> 5		Going back to Mr. Below, he was the driver, correct? Yes.	4	Α.	opinions, correct?
5	Α.	correct? Yes.	<b>4</b> 5	A. O.	<pre>opinions, correct? I did write a report, yes.</pre>
5 <b>6</b>		correct? Yes. And let me see if I understand this. Have you	<b>4</b> 5 <b>6</b>	A. Q.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal
5 <b>6</b> <b>7</b>	Α.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions	4 5 6 7	Q.	opinions, correct? I did write a report, yes. And that was in compliance with the federal rules, correct?
5 6 7 8	Α.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident	<b>4</b> 5 <b>6 7</b> 8	Q. A.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.
5 6 7 8 9	Α.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions	4 5 6 7	Q.	opinions, correct? I did write a report, yes. And that was in compliance with the federal rules, correct?
5 6 7 8 9	A. Q.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?	4 5 6 7 8 9	Q. A. Q.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?
5 6 7 8 9 10	Α.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but	4 5 6 7 8 9 10	Q. A. Q. A.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.
5 6 7 8 9 10 11	A. Q.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.	4 5 6 7 8 9 10 11 12	Q. A. Q.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether
5 6 7 8 9 10 11 12 13	A. Q.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.  Let's talk about some things you won't testify	4 5 6 7 8 9 10 11 12 13	Q. A. Q. A.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether or not Mr. Below was belted or unbelted in the
5 6 7 8 9 10 11 12 13 14	A. Q.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.  Let's talk about some things you won't testify about. Narrow our field of vision here today.	4 5 6 7 8 9 10 11 12 13	Q. A. Q. A. Q.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether or not Mr. Below was belted or unbelted in the accident?
5 6 7 8 9 10 11 12 13 14 15	A. Q.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.  Let's talk about some things you won't testify about. Narrow our field of vision here today.  Do you consider yourself an expert in the	4 5 6 7 8 9 10 11 12 13 14	Q. A. Q. A. A.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether or not Mr. Below was belted or unbelted in the accident?  I have not.
5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.  Let's talk about some things you won't testify about. Narrow our field of vision here today. Do you consider yourself an expert in the design of steel-belted radial tires?	4 5 6 7 8 9 10 11 12 13 14 15	Q. A. Q. A. Q.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether or not Mr. Below was belted or unbelted in the accident?  I have not.  Do you intend to offer any opinions as to
5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.  Let's talk about some things you won't testify about. Narrow our field of vision here today. Do you consider yourself an expert in the design of steel-belted radial tires?  No.	4 5 6 7 8 9 10 11 12 13 14 15 16	Q. A. Q. A. Q.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether or not Mr. Below was belted or unbelted in the accident?  I have not.  Do you intend to offer any opinions as to warnings?
5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.  Let's talk about some things you won't testify about. Narrow our field of vision here today.  Do you consider yourself an expert in the design of steel-belted radial tires?  No.  Do you consider yourself an expert in the	4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. A. Q. A. A.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether or not Mr. Below was belted or unbelted in the accident?  I have not.  Do you intend to offer any opinions as to warnings?  I don't anticipate offering opinions as to
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Q. A. Q.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.  Let's talk about some things you won't testify about. Narrow our field of vision here today. Do you consider yourself an expert in the design of steel-belted radial tires?  No.  Do you consider yourself an expert in the manufacturing of steel-belted radial tires?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q. A. Q.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether or not Mr. Below was belted or unbelted in the accident?  I have not.  Do you intend to offer any opinions as to warnings?  I don't anticipate offering opinions as to warnings.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q. A.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.  Let's talk about some things you won't testify about. Narrow our field of vision here today. Do you consider yourself an expert in the design of steel-belted radial tires?  No.  Do you consider yourself an expert in the manufacturing of steel-belted radial tires?  No.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. A. Q. A. Q.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether or not Mr. Below was belted or unbelted in the accident?  I have not.  Do you intend to offer any opinions as to warnings?  I don't anticipate offering opinions as to warnings.  Again, there may be some question that
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.  Let's talk about some things you won't testify about. Narrow our field of vision here today. Do you consider yourself an expert in the design of steel-belted radial tires?  No.  Do you consider yourself an expert in the manufacturing of steel-belted radial tires?  No.  Do you intend to offer any opinions with regard	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether or not Mr. Below was belted or unbelted in the accident?  I have not.  Do you intend to offer any opinions as to warnings?  I don't anticipate offering opinions as to warnings.  Again, there may be some question that you may ask today, but that was not part of my
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.  Let's talk about some things you won't testify about. Narrow our field of vision here today.  Do you consider yourself an expert in the design of steel-belted radial tires?  No.  Do you consider yourself an expert in the manufacturing of steel-belted radial tires?  No.  Do you intend to offer any opinions with regard to the manufacturing or design of the	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether or not Mr. Below was belted or unbelted in the accident?  I have not.  Do you intend to offer any opinions as to warnings?  I don't anticipate offering opinions as to warnings.  Again, there may be some question that you may ask today, but that was not part of my intended testimony or opinions given.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.  Let's talk about some things you won't testify about. Narrow our field of vision here today. Do you consider yourself an expert in the design of steel-belted radial tires?  No.  Do you consider yourself an expert in the manufacturing of steel-belted radial tires?  No.  Do you intend to offer any opinions with regard to the manufacturing or design of the steel-belted radial tire on the right rear of	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A. Q.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether or not Mr. Below was belted or unbelted in the accident?  I have not.  Do you intend to offer any opinions as to warnings?  I don't anticipate offering opinions as to warnings.  Again, there may be some question that you may ask today, but that was not part of my intended testimony or opinions given.  Certainly. And I didn't hire you, so I'm not
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A.	Yes.  And let me see if I understand this. Have you done anything to analyze Mr. Below's actions from the points where you believe this accident sequence began up to the point that the vehicle rolled over?  No. I've analyzed what the vehicle did, but not what he was doing, if anything.  Let's talk about some things you won't testify about. Narrow our field of vision here today.  Do you consider yourself an expert in the design of steel-belted radial tires?  No.  Do you consider yourself an expert in the manufacturing of steel-belted radial tires?  No.  Do you intend to offer any opinions with regard to the manufacturing or design of the	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A.	opinions, correct?  I did write a report, yes.  And that was in compliance with the federal rules, correct?  Yes, sir.  So in that report, you don't talk about the biomechanics of the accident, correct?  I did not.  Okay. Have you formed an opinion as to whether or not Mr. Below was belted or unbelted in the accident?  I have not.  Do you intend to offer any opinions as to warnings?  I don't anticipate offering opinions as to warnings.  Again, there may be some question that you may ask today, but that was not part of my intended testimony or opinions given.

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Page 22
                                                                                                              Page 24
 1
          Certainly there are no opinions in your report
                                                                       '70s.
                                                             1
2
          related to warnings, are there, sir?
                                                             2
                                                                                I had opinions about other types of
3
         You are correct.
                                                             3
                                                                      cases too, seat back failures.
    Α.
 4
    Q.
         Thank you.
                                                             4
                                                                 Q.
                                                                      Uh-huh.
 5
                   Do you have any opinions with regard
                                                             5
                                                                      Volkswagen Beetles had a seat that would --
                                                                 A.
 6
          to whether there was any sort of design defect
                                                             6
                                                                      back that would fold rearward when the vehicle
 7
          of the vehicle involved in this case?
                                                             7
                                                                      was rear-ended, and people's heads would go out
 8
         No. I do not have such opinions.
                                                             8
                                                                      the back window or their bodies would go out
    Α.
9
                                                             9
    Q.
         Have you ever offered an opinion that a
                                                                      the back window.
10
          passenger vehicle was defectively designed?
                                                            10
                                                                                So I was involved in a number of those
11
    Α.
          Yes.
                                                            11
                                                                      cases analyzing the defects in design of the
12
    ٥.
         Which ones?
                                                            12
                                                                      seat backs.
13
                                                            13
          Oh, my. There have been a number over the
                                                                      What type of vehicles had the seat belt problem
    Α.
                                                                 Q.
14
          years. There was some involving way back when,
                                                            14
                                                                      where they would cut during an accident?
15
          armrests had the door release at the front of
                                                            15
                                                                      It was a foreign vehicle. I can't recall
          the armrest, and in the accident people would
                                                            16
                                                                      whether it was a Fiat or something of that
16
17
          involuntarily lift their arms and open the door
                                                            17
                                                                      nature. I only recall one. But that was a
18
                                                            18
                                                                      defect in design in placement of a seat belt
          and be ejected.
                   I go back to the Corvair days in my
19
                                                            19
                                                                      next to a sharp edge of the seat back.
20
          analyses, although we were working for
                                                                      And what vehicle had the motor mount issue with
                                                            20
                                                            21
21
          General Motors, and I didn't consider it
                                                                      the -- Is that related to the stuck
22
                                                            22
                                                                      accelerators, or are those two separate
          defective at that time, but there were motor
23
          mount cases where the motor mounts broke and
                                                            23
                                                                      items?
24
          the engine shifted and caused the accelerator
                                                            24
                                                                      Well, first of all, they were GM cases for the
                                                                Α.
25
          to stick.
                                                            25
                                                                      most part, and then the accelerator would
                                                                                                              Page 25
                                                  Page 23
1
                   I've had a number of cases over the
                                                                      stick.
                                                             1
 2
          years where there have been stuck accelerators
                                                             2
                                                                                But I've had other cases where there
 3
          in various types of vehicles. There have
                                                             3
                                                                      were stuck linkages. I remember one in the
 4
          been questions -- And those were design
                                                             4
                                                                      Upper Peninsula of Michigan, the vehicle had a
 5
          defects.
                                                             5
                                                                      cable accelerator, because it was cold up
 6
                   There was a defect in design of
                                                             6
                                                                      there, the cable was stiff, and when the driver
 7
          placement of the seat belt such that it would
                                                             7
                                                                      stepped on the accelerator it stuck in the full
8
          be cut when there was an accident.
                                                             8
                                                                      acceleration position. And I remember it
9
                   I go back to the days of the Pinto
                                                             9
                                                                      clearly because it went down and struck the
10
                                                                      Bunny -- the Bunny -- Bugs Bunny Bread Company
          fire cases and the Ford products that had the
                                                            10
11
                                                            11
                                                                      or something of that nature. That's why it
          top of the fuel tank to be the bottom of the
12
                                                            12
                                                                      sticks in my hind.
          trunk. I had those.
13
                   I'm sure there are a number of others
                                                            13
                                                                      I'm sure it wasn't funny for the person driving
14
          that I've had over the years.
                                                            14
                                                                      the vehicle, but it is funny. I can understand
15
    Q.
                                                            15
                                                                      why that would stick in your mind.
16
          But those are some examples that come to
                                                            16
                                                                               With regard to passenger vehicles,
17
                                                            17
                                                                      have you ever offered opinion that a passenger
          mind.
18
    0.
          Okay. So you mentioned the Ford Pinto?
                                                            18
                                                                      vehicle was defectively designed because of its
19
    Α.
                                                            19
                                                                      handling or stability?
20
          And was it the Chevrolet Corvair?
                                                            20
                                                                      Not that I recall, no.
21
                                                            21
                                                                      Have you ever defended an automobile
    A.
22
                                                            22
                                                                      manufacturer against claims that its vehicle
    0.
         What vehicle contained the armrest where you
23
          offered a defective --
                                                                      was defective by design due to handling or
                                                            23
24
    A.
         That was a common design. It was GM and Ford.
                                                            24
                                                                      stability?
25
          It was in -- Those cars were in the '60s and
                                                            25
                                                                 Α.
                                                                      No.
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		Page 26			Page 28
1	Q.	Have you ever offered an opinion that a piece	1		types, augers in silo unloading equipment.
2		of farm machinery was defectively designed?	2		There have been questions of guarding of return
3	A.	Yes.	3		corners and on barn cleaners.
4	Q.	Have you ever offered an opinion that a piece	4		And I know there have been numerous
5		of farm machinery was defectively designed	5		others, but those would give you some flavor.
6		because of its handling or stability	6		(Exhibit 25 marked for identification.)
7		properties?	7	Q.	I'm going to hand you what I've marked as
8	A.	No.	8		Exhibit 25 to your deposition, sir. I
9	Q.	On the farm machinery, what types of defects	9		understand from counsel presently that we're
10		have you opined occurred in certain farm	10		going sequentially, so we're starting with
11		machinery?	11		Exhibit 25. This is a notice to take your
12	A.	You mean defects generally, or defects in	12		deposition today with a subpoena duces tecum
13		design?	13		attached?
14		Defects generally would include brakes	14	A.	Yes.
15		that failed, steering that failed.	15	٥.	Have you seen this document before?
16	Q.	Sure.	16	Α.	Yes.
17	Α.	Parts that broke, accelerator that stuck. Some	17	٥.	Have you attempted to comply with the subpoena
18		cases of fires, although I try not to do many	18	-	duces tecum?
19		of those, there were some fire causes.	19	A.	Yes.
20	Q.	Those would be more manufacturing type defects	20	Q.	Have you brought with you each and every item
21	-	you think, or	21	-	that was part of your file?
22	A.	Or lack of maintenance.	22	A.	Yes.
23	Q.	Okay.	23	Q.	And one of the things I didn't see in your file
24	Α.	And then design issues would be some other	24		was any depositions. Have you reviewed any
25		kinds of defects, of course.	25		depositions in this case?
		Down 27			Daga 20
1	Q.	Page 27 Gotcha.	1	Α.	Page 29 Yes.
1 2	Q.		1 2	A. Q.	_
1	Q.	Gotcha.			Yes.
2	Q.	Gotcha.  So let me see if I understand your	2	Q.	Yes. How have you reviewed those?
2 3	Q.	Gotcha.  So let me see if I understand your first answer. With regard to farm machinery,	<b>2</b> 3	Q.	Yes.  How have you reviewed those?  By reading them. I have them in my file. But
2 3 4	Q.	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a	<b>2</b> 3 4	Q. A.	Yes.  How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.
2 3 4 5	Q.	Gotcha.  So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a	2 3 4 5	Q. A.	Yes.  How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.
2 3 4 5 6		Gotcha.  So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?	2 3 4 5 6	Q. A.	Yes.  How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we
2 3 4 5 6	Α.	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.	2 3 4 5 6 7	Q. A.	Yes.  How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb
2 3 4 5 6 7 8	Α.	Gotcha.  So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of	2 3 4 5 6 7 8	Q. A.	Yes.  How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and
2 3 4 5 6 7 8 9	А. <b>Q.</b>	Gotcha.  So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?	2 3 4 5 6 7 8 9	Q. A.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed
2 3 4 5 6 7 8 9	А. <b>Q.</b>	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times	2 3 4 5 6 7 8 9	Q. A. Q.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?
2 3 4 5 6 7 8 9 10	А. <b>Q.</b>	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times it was the mechanic that did work for the	2 3 4 5 6 7 8 9 10	Q. A. Q. A.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?  Correct. I shall do so.
2 3 4 5 6 7 8 9 10 11 12	А. <b>Q.</b>	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times it was the mechanic that did work for the farmer. At times it was the dealer who	2 3 4 5 6 7 8 9 10 11	Q. A. Q. A. Q.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?  Correct. I shall do so.  Thank you, sir.
2 3 4 5 6 7 8 9 10 11 12	А. <b>Q.</b>	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times it was the mechanic that did work for the farmer. At times it was the dealer who repaired or made repairs or allegedly made	2 3 4 5 6 7 8 9 10 11 12	Q. A. Q. A. Q.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?  Correct. I shall do so.  Thank you, sir.  I have the transcript of and exhibits of the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Q.	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times it was the mechanic that did work for the farmer. At times it was the dealer who repaired or made repairs or allegedly made repairs.  And then you've also found design defects in	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. A. Q. A. Q.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?  Correct. I shall do so.  Thank you, sir.  I have the transcript of and exhibits of the deposition of Trooper Chad Thompson, which was taken on September 8th, 2016. I have the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A.	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times it was the mechanic that did work for the farmer. At times it was the dealer who repaired or made repairs or allegedly made repairs.  And then you've also found design defects in farm machinery?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. A. Q. A. Q.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?  Correct. I shall do so.  Thank you, sir.  I have the transcript of and exhibits of the deposition of Trooper Chad Thompson, which was taken on September 8th, 2016. I have the transcript of the deposition of Scott Stoffel.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. A.	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times it was the mechanic that did work for the farmer. At times it was the dealer who repaired or made repairs or allegedly made repairs.  And then you've also found design defects in farm machinery?  I have.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. A. Q. A. Q.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?  Correct. I shall do so.  Thank you, sir.  I have the transcript of and exhibits of the deposition of Trooper Chad Thompson, which was taken on September 8th, 2016. I have the transcript of the deposition of Scott Stoffel.  That was S-t-o-f-f-e-1. That was taken on
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. A.	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times it was the mechanic that did work for the farmer. At times it was the dealer who repaired or made repairs or allegedly made repairs.  And then you've also found design defects in farm machinery?  I have.  Don't have to go into great detail, but what	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q. A. A.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?  Correct. I shall do so.  Thank you, sir.  I have the transcript of and exhibits of the deposition of Trooper Chad Thompson, which was taken on September 8th, 2016. I have the transcript of the deposition of Scott Stoffel.  That was S-t-o-f-f-e-l. That was taken on May 25th.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. A.	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times it was the mechanic that did work for the farmer. At times it was the dealer who repaired or made repairs or allegedly made repairs.  And then you've also found design defects in farm machinery?  I have.  Don't have to go into great detail, but what type of farm machinery have you found that had	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q. A. Q.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?  Correct. I shall do so.  Thank you, sir.  I have the transcript of and exhibits of the deposition of Trooper Chad Thompson, which was taken on September 8th, 2016. I have the transcript of the deposition of Scott Stoffel.  That was S-t-o-f-f-e-l. That was taken on May 25th.  Who's Mr. Stoffel?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q.	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times it was the mechanic that did work for the farmer. At times it was the dealer who repaired or made repairs or allegedly made repairs.  And then you've also found design defects in farm machinery?  I have.  Don't have to go into great detail, but what type of farm machinery have you found that had design defects?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. A. Q. A. Q.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?  Correct. I shall do so.  Thank you, sir.  I have the transcript of and exhibits of the deposition of Trooper Chad Thompson, which was taken on September 8th, 2016. I have the transcript of the deposition of Scott Stoffel.  That was S-t-o-f-f-e-l. That was taken on May 25th.  Who's Mr. Stoffel?  Mr. Stoffel was a passenger in Mr. Below's
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q.	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times it was the mechanic that did work for the farmer. At times it was the dealer who repaired or made repairs or allegedly made repairs.  And then you've also found design defects in farm machinery?  I have.  Don't have to go into great detail, but what type of farm machinery have you found that had design defects?  Over the years, there were guarding issues on	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q. A.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?  Correct. I shall do so.  Thank you, sir.  I have the transcript of and exhibits of the deposition of Trooper Chad Thompson, which was taken on September 8th, 2016. I have the transcript of the deposition of Scott Stoffel. That was S-t-o-f-f-e-l. That was taken on May 25th.  Who's Mr. Stoffel?  Mr. Stoffel was a passenger in Mr. Below's vehicle at the time of the accident.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q.	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times it was the mechanic that did work for the farmer. At times it was the dealer who repaired or made repairs or allegedly made repairs.  And then you've also found design defects in farm machinery?  I have.  Don't have to go into great detail, but what type of farm machinery have you found that had design defects?  Over the years, there were guarding issues on manure spreaders, guarding of the drive shaft	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q. A.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?  Correct. I shall do so.  Thank you, sir.  I have the transcript of and exhibits of the deposition of Trooper Chad Thompson, which was taken on September 8th, 2016. I have the transcript of the deposition of Scott Stoffel. That was S-t-o-f-f-e-l. That was taken on May 25th.  Who's Mr. Stoffel?  Mr. Stoffel was a passenger in Mr. Below's vehicle at the time of the accident.  Okay.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q.	So let me see if I understand your first answer. With regard to farm machinery, have you found in the past that there was a defect in the product that was caused from a lack of maintenance?  That would be one way, yes.  And who was responsible for that lack of maintenance in that particular situation?  At times it was the farmer himself. At times it was the mechanic that did work for the farmer. At times it was the dealer who repaired or made repairs or allegedly made repairs.  And then you've also found design defects in farm machinery?  I have.  Don't have to go into great detail, but what type of farm machinery have you found that had design defects?  Over the years, there were guarding issues on manure spreaders, guarding of the drive shaft on the side of a manure spreader. There have	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A. Q. A.	How have you reviewed those?  By reading them. I have them in my file. But they came after my report was written.  Fair enough.  And you handed me your file before we got on the record, and I was able to thumb through it. Would you mind going through and pulling out the depositions that you reviewed for me?  Correct. I shall do so.  Thank you, sir.  I have the transcript of and exhibits of the deposition of Trooper Chad Thompson, which was taken on September 8th, 2016. I have the transcript of the deposition of Scott Stoffel. That was S-t-o-f-f-e-l. That was taken on May 25th.  Who's Mr. Stoffel?  Mr. Stoffel was a passenger in Mr. Below's vehicle at the time of the accident.  Okay.  And those would be the depositions I have. But

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Jessen, J-c-s-s-c-n, and that was taken on Petrnary 22nd, 2016.  Now, I know that's not a transcript, but it's a document that I had.  Now, I know that's mot a transcript, but it's a document that I had.  Now, I know that's mot a transcript, but it's a document that I had.  Now, I know that's mot a transcript, but it's a document that I had.  Now, I know that's mot a transcript, but it's a document that I had.  Now, I know that's mot a transcript, but it's a document that I had.  Now, I know that's mot a transcript, but it's a document that I had.  Now, I know that's mot a transcript, but it's a document that I had.  Now, I know that's mot a transcript, but it's a copy of your report in this case.  Now, I know that's mot a transcript, control in the second of the last interest in the same coder they were criginally.  Now You have not reviewed Mt. Balow's deposition of the transcript?  Now You have not reviewed Mt. Balow's deposition of the last the time you issued your report?  Now You know why not?  Now I was been result to me. I understand  Mt. Below was doing and if he remembered  Now Pallow was doing and if he remembered  Now Hallow in the actident. It's my understanding, I could be incorrect, it was my understanding, I cou	1		D . 20			D . 20
February 22nd, 2016.  Now, I know that's not a transcript, the tit's a document that I had.  Now, I see that? Sure.  Any other depositions or transcripts that you reviewed?  Now, I see that? Sure.  Any other depositions or transcripts that you reviewed?  Now, I see that? Sure.  Now, I see that? Sure.  Any other depositions or transcripts that you reviewed?  Now, I see that? Sure.  Now, I see that? Sure.  Any other depositions or transcripts that you reviewed?  Now, I see that? Sure.  Now, I see that see and maintenance of the series an answer of documents clipped together here that are hates labeled SE0003 through here that are hates labeled SE0003 through here the series an ambier of documents clipped together here that are hates labeled SE0003 through here that are parts are our invoices to Mr. Bottier concerning our werk done on this file.  Now, I see your since that we see that we seemed a series that we seemed to the sackers that we seemed to the sackers that we seemed the sackers that we should since then?  Now, I se	1		Page 30 Jessen J-e-s-s-e-n and that was taken on	1		Page 32
Now, I know that's not a transcript, but it's a document that I had.   4	1				0	
but it's a document that I had.  7	1					•
S Q. May I see that? Sure.  Any other depositions or transcripts that you reviewed?  that you reviewed?  that you reviewed?  You have not reviewed Mr. Below's deposition  You have not reviewed Mr. Below's deposition  transcript?  No. I have not.  I have not reviewed Mr. Below's deposition  To you know why not?  A. It was never sent to me. I understand  Mr. Below doean't have any recollection of the accident. I did ask one time about how  Mr. Below doean't have any recollection of the accident. I did ask one time about how  Mr. Below doean't have any recollection of the accident. I did ask one time about how  Mr. Below doean't have any recollection of the accident. I did ask one time about how  Mr. Below doean't have any recollection of the accident. I did ask one time about how  Mr. Below was doing and if he remembered  Mr. Below does in her was my marker of the deposition.  Mr. Below does in her was injured to the deposition with regard  to the loading for the waiting here and get some  Mr. Below does in her was doing the here  Mr. Below does in her was doing the here  Mr. Below does in her was doing the here  Mr. Below do	1		_			<u> </u>
that you reviewed? 7	1	0			Q.	
that you reviewed?  A. No.  You have not reviewed Mr. Below's deposition transcript?  A. I have not.  Deposition  No.  Provide the second deposition of the second deposition.  The second deposition of the second deposition of the second deposition.  The second deposition of the second deposition	1	Q.	<del>-</del>		7\	
8 A. No. 9 Q. You have not reviewed Mr. Below's deposition 1 transcript? 11 A. I have not 12 Q. Do you know by not? 13 A. It was never sent to me. I understand 14 Mr. Below doesn't have any recollection of the 15 accident. I did ask one time about how 16 Mr. Below doesn't have any recollection of the 17 anything about the accident. It's my 18 understanding, I could be incorrect, it was my 19 understanding, I could be incorrect, it was my 19 understanding, I could be incorrect, it was my 19 understanding, I could be incorrect, it was my 19 understanding, I could be incorrect, it was my 19 understanding, I could be incorrect, it was my 19 understanding, I could be incorrect, it was my 19 understanding, I could be incorrect, it was my 19 understanding, I could be incorrect, it was my 19 understanding, I could be incorrect, it was my 19 understanding, I could be incorrect, it was my 19 understanding, I could be incorrect, it was my 19 understanding, I could be incorrect, it was my 10 understanding, I could be incorrect, it was my 10 understanding, I could be incorrect, it was my 10 understanding, I could be incorrect, it was my 11 understanding, I could be incorrect, it was my 12 understanding, I could be incorrect, it was my 14 understanding, I could be incorrect, it was my 15 understanding, I could be incorrect, it was my 16 degree he didn't remember anything about the 20 degree he didn't remember anything about the 21 accident. 22 Q. That's what you've been told by counsel? 23 A. Yes. 24 Q. Are you aware of whether Mr. Below had 25 any information in the deposition with regard 26 to the loading on the vehicle— 27 A. No. 28 A. I'm sorry. No. 39 Q. Did your review of the trooper's deposition, 29 Q. Did your review of the trooper's deposition, 20 Q. Mat are those? 21 A. No. 22 Q. What in the accident? 23 A. Pes. 24 A. No. 25 C. Bas additional work been done since then? 26 A. Yes. 27 Q. What has that work included since then? 28 A. I'm sorry. No. 29 Did your review of the trooper's deposition, 29 The part with a par	1					
3   Q. You have not reviewed Mr. Below's deposition transcript?	1	7	-		Q.	
transcript?  1 A. I have not.  2 Q. Doyo know why not?  3 A. It was never sent to me. I understand  4 Mr. Below doesn't have any recollection of the last actident. I disask one time about how inderstanding. I could be incorrect, it was my understanding Mr. Below was doing and if he remembered anything about the accident. I disask one time about how inderstanding Mr. Below was injured to the degree he didn't remember anything about the accident.  20 degree he didn't remember anything about the accident.  21 accident.  22 Q. That's what you've been told by counsel?  23 A. Yes.  24 Q. Are you aware of whether Mr. Below had any recollection of the care and maintenance of the any information in the deposition with regard to the loading on the vehicle—  A. No.  3 Q. Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle—  4 A. D.  5 D. Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle—  5 A. D.  7 Q. — on the day of the accident?  8 A. I'm sorry. No.  9 Q. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?  1 A. No.  10 Q. May I see your file for just a second?  11 A. No.  12 Q. Weah.  13 A. Of course. Which part, the part with all the numbers?  14 A. No.  15 Q. Weah.  16 A. Of course. Which part, the part with all the numbers, please.  17 Q. Weah.  18 Q. Yesh.  19 A. Or the part that —  19 Q. Weath give the part with the numbers, please.  20 Q. Well just do some marking here and get some house cleaning out of the way. How about the invoice is March the lst, right?  21 A. Yes.  22 Q. Well just do some marking here and get some house cleaning out of the way. How about the invoice is March the lst, right?  23 A. Yes.  24 A. Yes.  25 C. That's what I as Exhibit 26 to your invoice to the identification.)  26 A. Pepruary 29th, 2016.  27 Q. Weath give	1					
11 A. I have not. 12 Q. Do you know why not? 13 A. It was never sent to me. I understand 14 Mr. Below doesn't have any recollection of the 15 accident. I did ask one time about how 16 Mr. Below was doing and if he remembered 17 anything about the accident. It's my 18 understanding, I could be incorrect, it was my 19 understanding, I below was injured to the 20 degree he didn't remember anything about the 21 accident. 22 Q. Tart's what you've been told by counsel? 23 A. Yes. 24 Q. Are you aware of whether Mr. Below had any 25 recollection of the care and maintenance of the 26 to the loading on the wehicle 27 A. No. 28 A. No. 39 Q. Are you aware of whether or not Mr. Below had 4 any information in the deposition with regard 4 to the loading on the vehicle 4 A. No. 5 Q on the day of the accident? 6 A. No. 7 Q on the day of the accident? 7 Q on the loading on the vehicle 4 A. No. 7 Q on the day of the accident? 8 A. I'm sorry. No. 9 Q. Did your review of the trooper's deposition, 10 the passenger's deposition, and the statement 11 by an eye witness in any way change or alter 12 your opinions that you intend to offer in this 13 case? 14 A. Of course. Which part, the part with all the 15 numbers? 16 A. Of course. Which part, the part with all the 16 numbers? 17 A. Yes, 18 C. Wesl. 18 C. Wesl. 19 A. Or the part that 19 Q. Wesl. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Wesl. List do some marking here and get some 23 A. Yes, sir. 24 C. Wesl. I just do some marking here and get some 25 house cleaning out of the way. Bow about 26 that? 27 A. Those are our invoices to Mr. Rottier 27 Concerning our work done on this file. 28 Page 33 29 A. Yes. 29 Q. Sive me the part with all the numbers, please. 20 Q. Give me the part with the numbers, please. 21 A. Yes, yer. 22 Q. Wesl. 23 A. Or the part that 24 C. Wesl. I just do some marking here and get some 25 A. Yes, ir. 26 A. Yes, ir. 27 C. Wesl. I just do some marking here and get some 28 A. Yes, yes	1	Q.	<del>-</del>			
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16 Mr. Below was doing and if he remembered anything about the accident. It's my understanding, I could be incorrect, it was my understanding, Mr. Below was injured to the degree he didn't remember anything about the accident.  20 c. That's what you've been told by counsel?  21 a. Yes.  22 Q. That's what you've been told by counsel?  23 A. Yes.  24 Q. Are you aware of whether Mr. Below had any recollection of the care and maintenance of the to the loading on the vehicle  5 A. No.  7 Q on the day of the accident?  8 A. I'm sorry. No.  9 Q. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?  14 A. No.  15 Q. May I see your file for just a second?  16 A. Of course. Which part, the part with all the mambers?  18 Q. Yesh.  19 Understanding, I could be incorrect, it was my understanding, It was in juried to the loading on the vehicle  10 Yes as in.  11 Veread the transcripts of the deposition and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?  10 A. No.  11 A. No.  12 A. No.  13 C. Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle  8 A. I'm sorry. No.  9 Q. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?  13 A. No.  14 A. No.  15 Q. May I see your file for just a second?  16 A. Of course. Which part, the part with all the mambers?  17 A. No.  18 A. I'm sorry. No.  19 Q. What has that work included since then?  19 Veread the transcripts of the deposition and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?  17 A. No.  18 A. I'm sorry. No.  19 Q. May I see your file for just a second?  20 A. There's a number of documents clipped to text	1					, and the second
anything about the accident. It's my understanding, I could be incorrect, it was my understanding Mr. Below was injured to the degree he didn't remember anything about the accident.  20 degree he didn't remember anything about the accident.  21 look at those?  22 A. Yes.  23 Q. What are those?  24 Q. Are you aware of whether Mr. Below had any recollection of the care and maintenance of the  25 vehicle involved in the accident?  2 A. No.  3 Q. Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle 6 A. No.  6 A. Yes.  7 Q on the day of the accident?  8 A. I'm sorry. No.  9 Q. Did your review of the trooper's deposition, the passenger's deposition, and the statement 10 the passenger's deposition, and the statement 11 by an eye witness in any way change or alter your opinions that you intend to offer in this 13 case?  14 A. No.  15 Q. May I see your file for just a second?  16 A. Of course. Which part, the part with all the numbers?  18 Q. There's a number of documents clipped together here that are Bates labeled SK0003 through here that are Bates labeled SK000 the here that are Bates labeled SK000 through here that are Bates labeled SK0003 through how a look at those?  24 A. Yes.  25 Q. Wast are those?  26 A. Yes.  7 Q. Istat the entirety of your invoices that have been issued to Mr. Rottier related to this	1				Q.	•
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understanding Mr. Below was injured to the degree he didn't remember anything about the accident.  That's what you've been told by counsel? That's what you've been told by counsel? The versus are of whether Mr. Below had any recollection of the care and maintenance of the  Page 31  vehicle involved in the accident? A. No.  A. Yes.  A. No.  A. Yes.  A. No.  A. No.  A. No.  A. No.  A. No.  A. No.  A. I'm sorry. No.  Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?  A. No.  A. No.  A. No.  A. No.  A. No.  A. No.  A. A. No.  A. I'm sorry. No.  B. A. I've read the transcripts of the deposition and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?  A. No.  C. Way I see your file for just a second?  A. Of course. Which part, the part with all the markers?  A. Or the part that  D. Q. Give me the part with the numbers, please.  A. Yes, sir.  D. We'll just do some marking here and get some  Nous Cleaning out of the way. How about  A. There's another page to it? I only have one page with my No. 10.  That's what I have also. That's the date of the invoice is March the lst, right?	1				Α.	,
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21 accident.  22 Q. That's what you've been told by counsel?  23 A. Yes.  24 Q. Are you aware of whether Mr. Below had any recollection of the care and maintenance of the concerning our work done on this file.  25 recollection of the care and maintenance of the concerning our work done on this file.  26 A. No.  27 A. No.  28 A. Yes.  29 A. Those are our invoices to Mr. Rottier concerning our work done on this file.  29 Page 31	1			-		here that are Bates labeled SKO003 through
22 Q. That's what you've been told by counsel? 23 A. Yes. 24 Q. Are you aware of whether Mr. Below had any recollection of the care and maintenance of the vehicle involved in the accident? 2 A. No. 3 Q. Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle 6 A. No. 7 Q on the day of the accident? 8 A. I'm sorry. No. 9 Q. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case? 14 A. No. 15 Q. May I see your file for just a second? 16 A. No. 17 Q. Yeah. 18 Q. Yeah. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes. 22 A. Yes. 23 Q. What are those? 24 A. Those are our invoices to Mr. Rottier concerning our work done on this file. 25 concerning our work done on this file. 26 A. Those are our invoices to Mr. Rottier concerning our work done on this file. 27 A. Those are our invoices to Mr. Rottier concerning our work done on this file. 28 Page 31 29 Q. What are those? 20 Q. What has that the entirety of your invoices that have been issued to Mr. Rottier related to this case thus far? 29 Q. Was that the entirety of your invoices that have been issued to Mr. Rottier related to this case thus far? 29 Q. What has that the entirety of your invoices that have been issued to Mr. Rottier related to this case thus far? 29 Q. What has that the entirety of your invoices that have been issued to Mr. Rottier related to this case thus far? 29 Q. What has that the entirety of your invoices that have been issued to Mr. Rottier related to this case thus far? 29 Q. What has that work included since then? 29 Q. What has that work included since then? 29 Q. What has that work included since then? 29 Q. What has that work included since then? 29 Q. What has that work included since then? 29 Q. What has that work included since then? 29 Q. What has that work included since then? 29 Q. What has that	20			-		SKO00 or excuse me, 010. Would you take a
23 A. Yes.  24 Q. Are you aware of whether Mr. Below had any recollection of the care and maintenance of the reconcerning our work done on this file.  Page 31  Page 33  1 vehicle involved in the accident?  A. No.  2 List that the entirety of your invoices that have been issued to Mr. Rottier related to this case thus far?  4 A. Yes.  5 Q. Has additional work been done since then?  6 A. Yes.  7 Q. What has that work included since then?  8 A. I'm sorry. No.  9 Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?  13 A. February 29th, 2016.  14 A. No.  15 Q. Mas I see your file for just a second?  16 A. Of course. Which part, the part with all the mumbers?  18 Q. Yeah.  19 Q. What is the date of the last invoice in that stack?  11 Q. What's the date of the last invoice in that stack?  12 You don't have a March 1st, 2016, Bates SK0010, the last one in the stack?  18 Q. Yeah.  19 Q. Sure.  19 Q. Sure.  20 Give me the part with the numbers, please.  21 A. Yes.  22 Q. We'll just do some marking here and get some house cleaning out of the way. How about that?	21			21		look at those?
24 Q. Are you aware of whether Mr. Below had any recollection of the care and maintenance of the 25 recollection of the care and maintenance of the 25 recollection of the care and maintenance of the 25 reconcerning our work done on this file.  Page 31  vehicle involved in the accident?  A. No.  Q. Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle  A. No.  Q on the day of the accident?  A. I'm sorry. No.  Q. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?  A. No.  A. No.  A. No.  A. No.  B. A. I'w read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition.  D. What's the date of the last invoice in that stack?  A. February 29th, 2016.  A. Pebruary 29th, 2016.  A. Of course. Which part, the part with all the numbers?  A. Or the part that  Q. Give me the part with the numbers, please.  A. Yes, sir.  Q. We'll just do some marking here and get some those cleaning out of the way. How about that?  A. Yes.  Those are our invoices to Mr. Rottier concerning our work done on this file.  Page 33  1 Q. Is that the entirety of your invoices that have been issued to Mr. Rottier related to this case thus fare?  A. Yes.  B. L'we read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition.  Q. What's the date of the last invoice in that stack?  A. February 29th, 2016.  A. February 29th, 2016.  A. I do. Oh. The You asked me the date of the last activity, and that was February 29th, 2016.  A. There's another page to it? I only have one page with my No. 10.  That's what I have also. That's the date of the invoice is March the lst, right?	22	Q.	That's what you've been told by counsel?	22	A.	Yes.
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Page 31 vehicle involved in the accident?  A. No.  Q. Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle  A. No.  Q on the day of the accident?  A. I'm sorry. No.  Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?  A. No.  A. No.  A. No.  Did your seleaning out of the way. How about that  Page 31  Q. Is that the entirety of your invoices that have been issued to Mr. Rottier related to this case thus far?  L. State the entirety of your invoices that have been issued to Mr. Rottier related to this case thus far?  L. State the entirety of your invoices that have been issued to Mr. Rottier related to this case thus far?  L. State the entirety of your invoices that have been issued to Mr. Rottier related to this case thus far?  L. State the entirety of your invoices that have been issued to Mr. Rottier related to this case thus far?  L. State the entirety of your invoices that have been issued to Mr. Rottier related to this case thus far?  L. State T. Stat	24	Q.	Are you aware of whether Mr. Below had any	24	A.	Those are our invoices to Mr. Rottier
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2 A. No. 3 Q. Are you aware of whether or not Mr. Below had 4 any information in the deposition with regard 5 to the loading on the vehicle 6 A. No. 7 Q on the day of the accident? 8 A. I'm sorry. No. 9 Q. Did your review of the trooper's deposition, 10 the passenger's deposition, and the statement 11 by an eye witness in any way change or alter 12 your opinions that you intend to offer in this 12 stack? 13 A. February 29th, 2016. 14 A. No. 15 Q. May I see your file for just a second? 16 A. Of course. Which part, the part with all the 17 numbers? 18 Q. Yeah. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes. 22 been issued to Mr. Rottier related to this case 23 thus far? 4 A. Yes. 5 Q. Has additional work been done since then? 6 A. Yes. 7 Q. What has that work included since then? 8 A. I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. 9 What's the date of the last invoice in that stack? 10 A. February 29th, 2016. 11 Least cone in the stack? 12 Sure. 13 A. February 29th, 2016. 14 A. I do. Oh. The You asked me the date of the last activity, and that was February 29th, 2016. 15 Q. Sure. 16 A. There's another page to it? I only have one page with my No. 10. 17 Q. We'll just do some marking here and get some house cleaning out of the way. How about 24 A. Yes.			Page 31			Page 33
3 Q. Are you aware of whether or not Mr. Below had 4 any information in the deposition with regard 5 to the loading on the vehicle 6 A. No. 7 Q on the day of the accident? 8 A. I'm sorry. No. 9 Q. Did your review of the trooper's deposition, 10 the passenger's deposition, and the statement 11 by an eye witness in any way change or alter 12 your opinions that you intend to offer in this 13 case? 14 A. No. 15 Q. May I see your file for just a second? 16 A. Of course. Which part, the part with all the 17 numbers? 18 Q. Yeah. 19 Q. Give me the part with the numbers, please. 20 Q. We'll just do some marking here and get some 21 A. Yes.  2 Yes. 2 Q. Has additional work been done since then? 4 A. Yes.  5 Q. Has additional work been done since then? 4 A. Yes.  7 Q. What has that work included since then? 8 A. I've read the transcripts of the deposition and the statement, and I reviewed the file 9 yesterday in anticipation of this deposition. 10 What's the date of the last invoice in that 11 stack? 12 You don't have a March 1st, 2016, Bates SK0010, 15 the last one in the stack? 16 A. I do. Ch. The You asked me the date of the last activity, and that was February 29th, 18 Q. Yeah. 19 Q. Sure. 20 Q. Give me the part with the numbers, please. 21 A. There's another page to it? I only have one 22 Q. We'll just do some marking here and get some 23 house cleaning out of the way. How about 24 A. Yes.	1		vehicle involved in the accident?	1	Q.	Is that the entirety of your invoices that have
any information in the deposition with regard to the loading on the vehicle 6 A. No. 7 Q on the day of the accident? 8 A. I'm sorry. No. 9 Q. Did your review of the trooper's deposition, 10 the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case? 13 A. February 29th, 2016. 14 A. No. 15 Q. May I see your file for just a second? 16 A. Of course. Which part, the part with all the numbers? 17 Q. What has that work included since then? 8 A. I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. 16 Q. What's the date of the last invoice in that stack? 17 Q. What's the date of the last invoice in that stack? 18 Q. You don't have a March 1st, 2016, Bates SKO010, the last one in the stack? 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Q. We'll just do some marking here and get some house cleaning out of the way. How about that invoice is March the 1st, right? 24 That? 24 A. Yes.	2			l .		
to the loading on the vehicle  6 A. No.  7 Q on the day of the accident?  8 A. I'm sorry. No.  9 Q. Did your review of the trooper's deposition, 10 the passenger's deposition, and the statement 11 by an eye witness in any way change or alter 12 your opinions that you intend to offer in this 13 case? 14 A. No.  15 Q. What has that work included since then?  8 A. I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition.  11 by an eye witness in any way change or alter 12 your opinions that you intend to offer in this 12 stack? 13 A. February 29th, 2016.  14 Q. You don't have a March 1st, 2016, Bates SK0010, 15 Q. May I see your file for just a second? 16 A. Of course. Which part, the part with all the numbers? 17 last activity, and that was February 29th, 18 Q. Yeah. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Q. We'll just do some marking here and get some house cleaning out of the way. How about 24 that? 25 Q. Has additional work been done since then? 6 A. Yes.		Α.	No.	2		
6 A. No. 7 Q on the day of the accident? 8 A. I'm sorry. No. 9 Q. Did your review of the trooper's deposition, 10 the passenger's deposition, and the statement 11 by an eye witness in any way change or alter 12 your opinions that you intend to offer in this 13 case? 14 A. No. 15 Q. May I see your file for just a second? 16 A. Of course. Which part, the part with all the 17 numbers? 18 Q. Yeah. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes. 22 Q. We'll just do some marking here and get some 23 house cleaning out of the way. How about 24 that? 2 Vou dan't have a March 1st, 2016, Bates SKO010, 26 A. Yes.  7 Q. What has that work included since then? 28 A. I've read the transcripts of the deposition and the statement, and I reviewed the file 29 What's the date of the last invoice in that 20 Q. What's the date of the last invoice in that 21 yesterday in anticipation of this deposition. 20 Q. What's the date of the last invoice in that 21 yesterday in anticipation of this deposition. 21 Q. What's the date of the last invoice in that 22 Stock? 23 A. February 29th, 2016. 24 A. Yes.  7 Q. What has that work included since then? 28 A. I've read the transcripts of the deposition and 29 the statement, and I reviewed the file 29 What's the date of the last invoice in that 20 Q. What's the date of the last invoice in that 21 yesterday in anticipation of this deposition. 29 What's the date of the last invoice in that 29 You don't have a March 1st, 2016, Bates SK0010, 20 A. I do. Oh. The You asked me the date of the last activity, and that was February 29th, 20 Sure. 20 A. There's another page to it? I only have one 21 page with my No. 10. 22 Q. That's what I have also. That's the date of the invoice is March the 1st, right? 24 A. Yes.	3					been issued to Mr. Rottier related to this case
7 Q on the day of the accident? 8 A. I'm sorry. No. 9 Q. Did your review of the trooper's deposition, 10 the passenger's deposition, and the statement 11 by an eye witness in any way change or alter 12 your opinions that you intend to offer in this 13 case? 14 A. No. 15 Q. May I see your file for just a second? 16 A. Of course. Which part, the part with all the 17 numbers? 18 Q. Yeah. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Q. We'll just do some marking here and get some 23 house cleaning out of the way. How about 24 that?  7 Q. What has that work included since then? 8 A. I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. 10 yesterday in anticipation of this deposition. 11 Q. What's the date of the last invoice in that stack? 12 You don't have a March 1st, 2016, Bates SKO010, the last one in the stack? 13 A. February 29th, 2016. 14 Q. You don't have a March 1st, 2016, Bates SKO010, the last one in the stack? 15 A. I do. Oh. The You asked me the date of the last activity, and that was February 29th, 2016. 19 Q. Sure. 20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Q. We'll just do some marking here and get some 23 house cleaning out of the way. How about 24 that? 24 A. Yes.	1		Are you aware of whether or not Mr. Below had	3	Α.	been issued to Mr. Rottier related to this case thus far? Yes.
8 A. I'm sorry. No. 9 Q. Did your review of the trooper's deposition, 10 the passenger's deposition, and the statement 11 by an eye witness in any way change or alter 12 your opinions that you intend to offer in this 13 case? 14 A. No. 15 Q. May I see your file for just a second? 16 A. Of course. Which part, the part with all the 17 numbers? 18 Q. Yeah. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes. 22 Q. We'll just do some marking here and get some 23 house cleaning out of the way. How about 24 that? 2 In ye read the transcripts of the deposition and the statement, and I reviewed the file 2 yesterday in anticipation of this deposition. 10 What's the date of the last invoice in that 2 stack? 11 Q. What's the date of the last invoice in that 2 your opinions that you intend to offer in this 2 stack? 12 You don't have a March 1st, 2016, Bates SK0010, 15 the last one in the stack? 16 A. I do. Oh. The You asked me the date of the last activity, and that was February 29th, 18 Q. Sure. 20 Q. Give me the part with the numbers, please. 21 A. Yes. 22 Q. That's what I have also. That's the date of the invoice is March the 1st, right? 24 A. Yes.	4		Are you aware of whether or not Mr. Below had any information in the deposition with regard	<b>3</b> 4		been issued to Mr. Rottier related to this case thus far? Yes.
9 Q. Did your review of the trooper's deposition, 10 the passenger's deposition, and the statement 11 by an eye witness in any way change or alter 12 your opinions that you intend to offer in this 13 A. February 29th, 2016. 14 A. No. 15 Q. May I see your file for just a second? 16 A. Of course. Which part, the part with all the 17 numbers? 18 Q. Yeah. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Q. We'll just do some marking here and get some 23 house cleaning out of the way. How about 24 that? 29 What's the date of the last invoice in that 29 yesterday in anticipation of this deposition. 10 yesterday in anticipation of this deposition. 11 yesterday in anticipation of this deposition. 12 yesterday in anticipation of this deposition. 12	4 5	Q.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle	3 4 5	Q.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then?
the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case? 13 A. February 29th, 2016. 14 A. No. 15 Q. May I see your file for just a second? 16 A. Of course. Which part, the part with all the numbers? 17 last activity, and that was February 29th, 18 Q. Yeah. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Q. We'll just do some marking here and get some house cleaning out of the way. How about the last one in the stack? 16 A. I do. Oh. The You asked me the date of the last activity, and that was February 29th, 20 A. There's another page to it? I only have one page with my No. 10. 23 That's what I have also. That's the date of the invoice is March the 1st, right? 24 A. Yes.	<b>4 5</b> 6	<b>Q.</b> A.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No.	3 4 5 6	Q. A.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes.
by an eye witness in any way change or alter your opinions that you intend to offer in this case? 13 A. February 29th, 2016. 14 A. No. 14 Q. You don't have a March 1st, 2016, Bates SKO010, 15 Q. May I see your file for just a second? 16 A. Of course. Which part, the part with all the 17 numbers? 18 Q. Yeah. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Q. We'll just do some marking here and get some house cleaning out of the way. How about 23 the last of the last invoice in that stack? 10 A. February 29th, 2016. 11 Q. What's the date of the last invoice in that stack? 12 Stack? 13 A. February 29th, 2016. 14 Q. You don't have a March 1st, 2016, Bates SKO010, the last one in the stack? 16 A. I do. Oh. The You asked me the date of the last activity, and that was February 29th, 2016. 21 P Q. Sure. 22 Q. There's another page to it? I only have one 21 page with my No. 10. 22 Q. We'll just do some marking here and get some 23 house cleaning out of the way. How about 23 the invoice is March the 1st, right? 24 A. Yes.	4 5 6 7	Q. A. Q.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No on the day of the accident?	3 4 5 6 7	Q. A. Q.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then?
your opinions that you intend to offer in this case?  13 A. February 29th, 2016. 14 A. No. 15 Q. May I see your file for just a second? 16 A. Of course. Which part, the part with all the numbers? 17 last activity, and that was February 29th, 18 Q. Yeah. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Q. We'll just do some marking here and get some house cleaning out of the way. How about that? 24 that? 28 You don't have a March 1st, 2016, Bates SKO010, 16 A. February 29th, 2016. 17 Last activity, and that was February 29th, 20 A. There's another page to it? I only have one 21 A. Yes. 22 Q. That's what I have also. That's the date of the invoice is March the 1st, right? 24 A. Yes.	4 5 6 7 8	Q. A. Q. A.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No.  on the day of the accident?  I'm sorry. No.	3 4 5 6 7 8	Q. A. Q.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and
13 A. February 29th, 2016.  14 A. No.  15 Q. May I see your file for just a second?  16 A. Of course. Which part, the part with all the numbers?  17 last activity, and that was February 29th, 2016.  18 Q. Yeah.  19 A. Or the part that  20 Q. Give me the part with the numbers, please.  21 A. Yes, sir.  22 Q. We'll just do some marking here and get some house cleaning out of the way. How about that?  24 that?  13 A. February 29th, 2016.  14 Q. You don't have a March 1st, 2016, Bates SK0010, the last one in the stack?  15 Last activity, and that was February 29th, 2016.  18 2016.  19 Q. Sure.  20 A. There's another page to it? I only have one page with my No. 10.  21 page with my No. 10.  22 Q. That's what I have also. That's the date of the invoice is March the 1st, right?  24 A. Yes.	4 5 6 7 8 9	Q. A. Q. A.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No.  on the day of the accident?  I'm sorry. No.  Did your review of the trooper's deposition,	3 4 5 6 7 8 9	Q. A. Q.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file
14 A. No. 15 Q. May I see your file for just a second? 16 A. Of course. Which part, the part with all the numbers? 17 numbers? 18 Q. Yeah. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Q. We'll just do some marking here and get some house cleaning out of the way. How about that? 24 that? 29 You don't have a March 1st, 2016, Bates SKOO10, the last one in the stack? 16 A. I do. Oh. The You asked me the date of the last activity, and that was February 29th, 18 Q. Sure. 19 Q. Sure. 20 A. There's another page to it? I only have one page with my No. 10. 21 page with my No. 10. 22 Q. That's what I have also. That's the date of the invoice is March the 1st, right? 24 A. Yes.	4 5 6 7 8 9	Q. A. Q. A.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No.  on the day of the accident?  I'm sorry. No.  Did your review of the trooper's deposition, the passenger's deposition, and the statement	3 4 5 6 7 8 9 10	Q. A. Q. A.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition.
15 Q. May I see your file for just a second?  16 A. Of course. Which part, the part with all the numbers?  17 I last activity, and that was February 29th,  18 Q. Yeah.  19 A. Or the part that  20 Q. Give me the part with the numbers, please.  21 A. Yes, sir.  22 Q. We'll just do some marking here and get some house cleaning out of the way. How about that?  24 that?  15 the last one in the stack?  16 A. I do. Oh. The You asked me the date of the last activity, and that was February 29th,  18 2016.  19 Q. Sure.  20 A. There's another page to it? I only have one page with my No. 10.  21 page with my No. 10.  22 Q. That's what I have also. That's the date of the invoice is March the 1st, right?  24 A. Yes.	4 5 6 7 8 9 10	Q. A. Q. A.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No on the day of the accident? I'm sorry. No. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter	3 4 5 6 7 8 9 10 11	Q. A. Q. A.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that
16 A. Of course. Which part, the part with all the numbers?  17	4 5 6 7 8 9 10 11 12	Q. A. Q. A.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No.  on the day of the accident?  I'm sorry. No.  Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this	3 4 5 6 7 8 9 10 11 12	Q. A. Q. A.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that stack?
17 last activity, and that was February 29th, 18 Q. Yeah. 19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Q. We'll just do some marking here and get some 23 house cleaning out of the way. How about 24 that? 21 last activity, and that was February 29th, 18 2016. 19 Q. Sure. 20 A. There's another page to it? I only have one 21 page with my No. 10. 22 Q. That's what I have also. That's the date of 23 the invoice is March the 1st, right? 24 A. Yes.	4 5 6 7 8 9 10 11 12 13	Q. A. Q. A. Q.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No.  on the day of the accident?  I'm sorry. No.  Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?	3 4 5 6 7 8 9 10 11 12 13	Q. A. Q. A. A.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that stack? February 29th, 2016.
18 Q. Yeah.  19 A. Or the part that  20 Q. Give me the part with the numbers, please.  21 A. Yes, sir.  22 Q. We'll just do some marking here and get some house cleaning out of the way. How about that?  23 that?  20 A. There's another page to it? I only have one page with my No. 10.  22 Q. That's what I have also. That's the date of the invoice is March the 1st, right?	4 5 6 7 8 9 10 11 12 13	Q. A. Q. A. Q.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No.  on the day of the accident?  I'm sorry. No.  Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?  No.	3 4 5 6 7 8 9 10 11 12 13 14	Q. A. Q. A. A.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that stack? February 29th, 2016. You don't have a March 1st, 2016, Bates SKO010,
19 A. Or the part that 20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Q. We'll just do some marking here and get some 23 house cleaning out of the way. How about 24 that? 29 Q. Sure. 20 A. There's another page to it? I only have one 21 page with my No. 10. 22 Q. That's what I have also. That's the date of 23 the invoice is March the 1st, right? 24 A. Yes.	4 5 6 7 8 9 10 11 12 13 14	Q. A. Q. A. Q.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No on the day of the accident? I'm sorry. No. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case? No. May I see your file for just a second?	3 4 5 6 7 8 9 10 11 12 13 14 15	Q. A. Q. A. Q. A. Q.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that stack? February 29th, 2016. You don't have a March 1st, 2016, Bates SKO010, the last one in the stack?
20 Q. Give me the part with the numbers, please. 21 A. Yes, sir. 22 Q. We'll just do some marking here and get some 23 house cleaning out of the way. How about 24 that? 20 A. There's another page to it? I only have one 2a page with my No. 10. 2b page with my No. 10. 2c Q. That's what I have also. That's the date of 2d the invoice is March the 1st, right? 2d A. Yes.	4 5 6 7 8 9 10 11 12 13 14 15	Q. A. Q. A. Q.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No on the day of the accident? I'm sorry. No. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case? No. May I see your file for just a second? Of course. Which part, the part with all the	3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. A. Q. A. Q. A. Q.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that stack? February 29th, 2016. You don't have a March 1st, 2016, Bates SKOO10, the last one in the stack? I do. Oh. The You asked me the date of the
21 A. Yes, sir.  22 Q. We'll just do some marking here and get some 23 house cleaning out of the way. How about 24 that?  21 page with my No. 10.  22 Q. That's what I have also. That's the date of 23 the invoice is March the 1st, right?  24 A. Yes.	4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Q. A.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No on the day of the accident? I'm sorry. No. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case? No. May I see your file for just a second? Of course. Which part, the part with all the numbers?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. A. Q. A. Q. A. Q.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that stack? February 29th, 2016. You don't have a March 1st, 2016, Bates SKOO10, the last one in the stack? I do. Oh. The You asked me the date of the last activity, and that was February 29th,
22 Q. We'll just do some marking here and get some 23 house cleaning out of the way. How about 24 that?  29 D. That's what I have also. That's the date of 23 the invoice is March the 1st, right? 24 A. Yes.	4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Q. A. Q. A.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No on the day of the accident? I'm sorry. No. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case? No. May I see your file for just a second? Of course. Which part, the part with all the numbers? Yeah.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q. A.  Q. A.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that stack? February 29th, 2016. You don't have a March 1st, 2016, Bates SKO010, the last one in the stack? I do. Oh. The You asked me the date of the last activity, and that was February 29th, 2016.
23 house cleaning out of the way. How about 23 the invoice is March the 1st, right? 24 that? 24 A. Yes.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q. A.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No on the day of the accident? I'm sorry. No. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case? No. May I see your file for just a second? Of course. Which part, the part with all the numbers? Yeah. Or the part that	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. A. Q. A. Q. A. Q.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that stack? February 29th, 2016. You don't have a March 1st, 2016, Bates SKO010, the last one in the stack? I do. Oh. The You asked me the date of the last activity, and that was February 29th, 2016. Sure.
24 that? 24 A. Yes.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Q. A. Q. A. Q. A. Q.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No on the day of the accident? I'm sorry. No. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case? No. May I see your file for just a second? Of course. Which part, the part with all the numbers? Yeah. Or the part that Give me the part with the numbers, please.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. A. Q. A. Q. A. Q.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that stack? February 29th, 2016. You don't have a March 1st, 2016, Bates SKOO10, the last one in the stack? I do. Oh. The You asked me the date of the last activity, and that was February 29th, 2016. Sure. There's another page to it? I only have one
	4   5   6   7   8   9   10   11   12   13   14   15   16   17   18   19   20   21	A. Q. A. Q. A. Q. A. Q. A.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No.  on the day of the accident?  I'm sorry. No.  Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case?  No.  May I see your file for just a second?  Of course. Which part, the part with all the numbers?  Yeah.  Or the part that  Give me the part with the numbers, please.  Yes, sir.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q. A. Q. A.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that stack? February 29th, 2016. You don't have a March 1st, 2016, Bates SKOO10, the last one in the stack? I do. Oh. The You asked me the date of the last activity, and that was February 29th, 2016. Sure. There's another page to it? I only have one page with my No. 10.
25 A. That's fine. I don't know if all the numbers 25 Q. Okay. Have you totaled the amount of those	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A. Q. A.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No on the day of the accident? I'm sorry. No. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case? No. May I see your file for just a second? Of course. Which part, the part with all the numbers? Yeah. Or the part that Give me the part with the numbers, please. Yes, sir. We'll just do some marking here and get some	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q. A. Q. A.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that stack? February 29th, 2016. You don't have a March 1st, 2016, Bates SKO010, the last one in the stack? I do. Oh. The You asked me the date of the last activity, and that was February 29th, 2016. Sure. There's another page to it? I only have one page with my No. 10. That's what I have also. That's the date of
	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q. A. Q. A.	Are you aware of whether or not Mr. Below had any information in the deposition with regard to the loading on the vehicle No on the day of the accident? I'm sorry. No. Did your review of the trooper's deposition, the passenger's deposition, and the statement by an eye witness in any way change or alter your opinions that you intend to offer in this case? No. May I see your file for just a second? Of course. Which part, the part with all the numbers? Yeah. Or the part that Give me the part with the numbers, please. Yes, sir. We'll just do some marking here and get some house cleaning out of the way. How about	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A. Q. A. Q. A.	been issued to Mr. Rottier related to this case thus far? Yes. Has additional work been done since then? Yes. What has that work included since then? I've read the transcripts of the deposition and the statement, and I reviewed the file yesterday in anticipation of this deposition. What's the date of the last invoice in that stack? February 29th, 2016. You don't have a March 1st, 2016, Bates SKO010, the last one in the stack? I do. Oh. The You asked me the date of the last activity, and that was February 29th, 2016. Sure. There's another page to it? I only have one page with my No. 10. That's what I have also. That's the date of the invoice is March the 1st, right?

invoices?  No.  Okay. Would it surprise you if it totaled \$22,333.40 between the invoice dated 9/24/15 and 3/1 of '16?  Not much surprises me, but I don't know if that's correct addition. Or sometimes we have an amount due that sometimes gets added back in.  Sure.  But I haven't added up the numbers to tell you if that's a correct statement or not.  Let's mark those as Exhibit 27.  (Exhibit 27 marked for identification.)  How much do you charge per hour for your time, sir?  Skogen Engineering Group would charge \$375 per	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. A. Q. A. Q. A. Q. A. Q. A.	Uh-huh.  Zack Bingen. Zack is Z-a-c-k, Bingen, B-i-n-g-e-n.  Anybody else?  Dave Zuelhke. Dave Zuelhke, Z-u-e-l-h-k-e.  Sure.  Those would be the engineers.  What form of engineering degree does David  Zuelhke have?  He has a mechanical engineering degree and a master's degree in engineering.  What are David's rates?
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But I haven't added up the numbers to tell you if that's a correct statement or not.  Let's mark those as Exhibit 27.  (Exhibit 27 marked for identification.)  How much do you charge per hour for your time, sir?	11 12 13 14 15	<b>Q.</b> A.	master's degree in engineering. What are David's rates?
if that's a correct statement or not.  Let's mark those as Exhibit 27.  (Exhibit 27 marked for identification.)  How much do you charge per hour for your time, sir?	12 13 14 15	Α.	What are David's rates?
Let's mark those as Exhibit 27.  (Exhibit 27 marked for identification.)  How much do you charge per hour for your time, sir?	13 <b>14</b> 15	Α.	
(Exhibit 27 marked for identification.)  How much do you charge per hour for your time, sir?	<b>14</b> 15		T doubt committee 1 1 1 11
<pre>identification.) How much do you charge per hour for your time, sir?</pre>	15	Q.	I don't remember what they were in 2013.
How much do you charge per hour for your time, sir?			What are they today?
sir?	16	A.	Mr. Zuelhke is no longer with our firm. He's
			now a fireman in the city of Fitchburg.
Skogen Engineering Grown would charge \$375 per	17	Q.	Zackary Bingen?
Singles might certain around mount attende Any ber	18	A.	Bingen, yes.
hour for my time.	19	Q.	What were his rates?
Okay.	20	Α.	Again, I don't know. They certainly didn't
It was not that when we started on the file,	21		approach 375. Perhaps a hundred dollars an
however.	22		hour or something in that area, I would say.
What was it when you started on the file?	23	Q.	And how about Jeffrey Koch; what were his
I would look at the invoice again, please, and	24	χ.	rates?
I could tell you.	25	Α.	Jeffrey Peterson.
i could tell you.	25	n.	ocility receisor.
Page 35		_	Page 3
Absolutely.	1	Q.	I'm sorry. I underlined the wrong Jeffrey on
Because I don't specifically recall what it was	2		your masthead here.
in 2013. Oh, it was 375 in 2013. So I haven't	3	_	Jeffrey Peterson, what were his rates
raised the rates since then.	4	Α.	Jeff Peterson was probably about 250, I would
Since 2013 when you received this file up to	5		say.
today, you still charge \$375 an hour for your	6	Q.	And I'm looking at your billing there that
services?	7		we've marked as Exhibit 27, and there's a
The company does, yes.	8		number of different individuals listed on what
I understand. Is it \$375 an hour for anything	9		I call the masthead.
that you do on the file?	10	A.	Yes.
Yes.	11	Q.	And you're first on that list, and the
Including deposition time?	12		engineering group is called Skogen Engineering
••	13		Group?
Yes.	14	A.	It is.
Yes. Trial time?	15	Q.	Are you the sole owner of Skogen Engineering
	16		Group?
Trial time?	1 1 77	A.	No, sir.
Trial time? Yes.	1 /	Q.	What percentage do you own, sir?
Trial time? Yes. Travel time?	18	A.	22 percent.
Trial time? Yes. Travel time? Yes. Any form of investigation is \$375 an hour?			Who owns the other 78 percent?
Trial time? Yes. Travel time? Yes. Any form of investigation is \$375 an hour? Yes. If I again remember to fill out paperwork	18	Q.	Jeffrey Peterson, Robert Wozniak,
Trial time? Yes. Travel time? Yes. Any form of investigation is \$375 an hour? Yes. If I again remember to fill out paperwork to get that accomplished, of course.	18 19 20	<b>Q.</b> A.	COLLEGE ACCOUNT ACCOUNT MODIFICATIONS
Trial time? Yes. Travel time? Yes. Any form of investigation is \$375 an hour? Yes. If I again remember to fill out paperwork to get that accomplished, of course. Were there any other engineers working on the	18 19 20 21	-	-
Trial time? Yes. Travel time? Yes. Any form of investigation is \$375 an hour? Yes. If I again remember to fill out paperwork to get that accomplished, of course. Were there any other engineers working on the file with you?	18 19 20 21 22	Α.	W-o-z-n-i-a-k.
Trial time? Yes. Travel time? Yes. Any form of investigation is \$375 an hour? Yes. If I again remember to fill out paperwork to get that accomplished, of course. Were there any other engineers working on the	18 19 20 21	-	-
		Yes. 17 Any form of investigation is \$375 an hour? 18	Yes. Any form of investigation is \$375 an hour? Yes. If I again remember to fill out paperwork to get that accomplished, of course.  17 A.  18 Q.  19 A.

_		D 20			D 40
1		Page 38 E-r-d-t-m-a-n-n. That's the extent.	1		Page 40 MR. ROGERS: Object to the form. Go
2	Q.	Do you share equal Strike that. Do you	2		ahead.
3	~	share by percentage ownership in the profits of	3	Α.	Perhaps three years ago. We had some leftover
4		Skogen Engineering Group?	4		money last year, I know that. Not a lot, but
5	Α.	Yes and no.	5		we had some leftover.
6	Q.	Okay. Do you receive a salary?	6		MR. TAYLOR:
7	Α.	Yes. And when I say the profits, we have a	7	Q.	You've also brought with you
8		401(k) plan, so it depends upon, as I	8	-	(Exhibit 28 marked for
9		understand it, what the what salaries were	9		identification.)
10		received by people.	10	Q.	marking your file copy, a copy of your
11	Q.	Okay.	11	-	curriculum vitae, which I'm marking as
12	Α.	Rather than what the percentage of stock	12		Exhibit 28 to your deposition.
13		ownership is.	13	A.	Yes.
14	Q.	Fair enough.	14	Q.	Is that a current copy?
15	-	In the last three years, have you	15	Α.	Yes.
16		owned any greater percentage other than 22	16	Q.	Anything you need to add or delete from that
17		percent?	17	-	curriculum vitae?
18	Α.	Three years ago, it was probably closer to 25	18	Α.	No.
19		percent.	19	Q.	I noticed in your file that there are not
20	Q.	Okay. Who makes the decision as to whether or	20	-	copies of the reports from Gray Beauchamp and
21	-	not a new partner comes on and takes a	21		Steve Fenton regarding their accident
22		percentage of ownership?	22		reconstruction. Did I just miss them?
23	A.	Myself, Mr. Peterson, Mr. Wozniak,	23	A.	Those were attached to answers to
24		Mr. Erdtmann, Mr. Torpy and Ms. Stoflet.	24		interrogatories, which I received after the
25	Q.	Does it have to be a hundred percent agreement	25		report was written.
					_
		_ 20			- A1
1		Page 39 to bring on a new partner?	1	0.	Page 41
1 2	Α.	to bring on a new partner?	1 2	Q.	Was there anything about Mr. Fenton or
2	Α.	to bring on a new partner? We never thought of that. That's our group of	2	Q.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered
	Α.	to bring on a new partner?		<b>Q.</b>	Was there anything about Mr. Fenton or
2 3	Α.	to bring on a new partner? We never thought of that. That's our group of stockholders. It's also our board of directors.	2	Α.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No.
2 3 4	Α.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we	2 3 4		Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case?
2 3 4 5	Α.	to bring on a new partner? We never thought of that. That's our group of stockholders. It's also our board of directors.	2 3 4 5	A. Q.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials?
2 3 4 5 6	A. Q.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.	2 3 4 5	A. Q. A.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes.
2 3 4 5 6 7		to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another	2 3 4 5 6 7	A. Q. A.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I
2 3 4 5 6 7 8		to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that	2 3 4 5 6 7 8	A. Q. A. Q.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet.
2 3 4 5 6 7 8 9	Q.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?	2 3 4 5 6 7 8	A. Q. A. Q.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I
2 3 4 5 6 7 <b>8</b> <b>9</b> 10	Q. A.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.	2 3 4 5 6 7 8 9	A. Q. A. Q.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was
2 3 4 5 6 7 <b>8</b> <b>9</b> 10 <b>11</b>	Q. A.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.  And then profits are divided by in terms of	2 3 4 5 6 7 8 9 10	A. Q. A. Q.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was Mr. Beauchamp. I recall reading it.
2 3 4 5 6 7 8 9 10 11 12	Q. A.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.  And then profits are divided by in terms of 401(k) distribution; is that what I	2 3 4 5 6 7 8 9 10 11 12	A. Q. A. Q.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was Mr. Beauchamp. I recall reading it. Sure. Who prepared the indexed deposition of
2 3 4 5 6 7 8 9 10 11 12 13	Q. A. Q.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.  And then profits are divided by in terms of 401(k) distribution; is that what I understand?	2 3 4 5 6 7 8 9 10 11 12 13	A. Q. A. Q. A.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was Mr. Beauchamp. I recall reading it. Sure. Who prepared the indexed deposition of Scott Stoffel?
2 3 4 5 6 7 8 9 10 11 12 13	Q. A. Q.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.  And then profits are divided by in terms of 401(k) distribution; is that what I understand?  Yes. Yes.	2 3 4 5 6 7 8 9 10 11 12 13	A. Q. A. Q. A. A.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was Mr. Beauchamp. I recall reading it. Sure. Who prepared the indexed deposition of Scott Stoffel? I did, and Mary Stoflet typed it.
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. A. Q.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.  And then profits are divided by in terms of 401(k) distribution; is that what I understand?  Yes. Yes.  Is there any other means by which profits are	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A. Q. A. A.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was Mr. Beauchamp. I recall reading it. Sure. Who prepared the indexed deposition of Scott Stoffel? I did, and Mary Stoflet typed it. Okay. We'll mark that as Exhibit 29 to your
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. A. Q. A.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.  And then profits are divided by in terms of 401(k) distribution; is that what I understand?  Yes. Yes.  Is there any other means by which profits are distributed?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. A. A.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No.  May I see that other stack of materials? Yes.  I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was Mr. Beauchamp. I recall reading it. Sure. Who prepared the indexed deposition of Scott Stoffel? I did, and Mary Stoflet typed it. Okay. We'll mark that as Exhibit 29 to your deposition.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. A. Q. A.	We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.  And then profits are divided by in terms of 401(k) distribution; is that what I understand?  Yes. Yes.  Is there any other means by which profits are distributed?  If we have leftover from 401(k) and from the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. A. A.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was Mr. Beauchamp. I recall reading it. Sure. Who prepared the indexed deposition of Scott Stoffel? I did, and Mary Stoflet typed it. Okay. We'll mark that as Exhibit 29 to your deposition.  (Exhibit 29 marked for
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q. A.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.  And then profits are divided by in terms of 401(k) distribution; is that what I understand?  Yes. Yes.  Is there any other means by which profits are distributed?  If we have leftover from 401(k) and from the donations we make, and it happens upon	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q. A. Q.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was Mr. Beauchamp. I recall reading it. Sure. Who prepared the indexed deposition of Scott Stoffel? I did, and Mary Stoflet typed it. Okay. We'll mark that as Exhibit 29 to your deposition.  (Exhibit 29 marked for identification.)
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. A. Q. A.	We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.  And then profits are divided by in terms of 401(k) distribution; is that what I understand?  Yes. Yes.  Is there any other means by which profits are distributed?  If we have leftover from 401(k) and from the donations we make, and it happens upon occasions, we then distribute some leftover money to the stockholders based upon their	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q. A. Q. A. Q.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was Mr. Beauchamp. I recall reading it. Sure. Who prepared the indexed deposition of Scott Stoffel? I did, and Mary Stoflet typed it. Okay. We'll mark that as Exhibit 29 to your deposition.  (Exhibit 29 marked for identification.) What's in Do you know what's in this envelope here? It has a No. 26075 on it. Oh.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.  And then profits are divided by in terms of 401(k) distribution; is that what I understand?  Yes. Yes.  Is there any other means by which profits are distributed?  If we have leftover from 401(k) and from the donations we make, and it happens upon occasions, we then distribute some leftover money to the stockholders based upon their percentage of ownership.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A. Q. A. Q.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was Mr. Beauchamp. I recall reading it. Sure. Who prepared the indexed deposition of Scott Stoffel? I did, and Mary Stoflet typed it. Okay. We'll mark that as Exhibit 29 to your deposition.  (Exhibit 29 marked for identification.) What's in Do you know what's in this envelope here? It has a No. 26075 on it. Oh. Scott Stoffel deposition exhibits. How about
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A.	We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.  And then profits are divided by in terms of 401(k) distribution; is that what I understand?  Yes. Yes.  Is there any other means by which profits are distributed?  If we have leftover from 401(k) and from the donations we make, and it happens upon occasions, we then distribute some leftover money to the stockholders based upon their percentage of ownership.  Has there ever been a year in the last four	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. Q.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was Mr. Beauchamp. I recall reading it. Sure. Who prepared the indexed deposition of Scott Stoffel? I did, and Mary Stoflet typed it. Okay. We'll mark that as Exhibit 29 to your deposition.  (Exhibit 29 marked for identification.) What's in Do you know what's in this envelope here? It has a No. 26075 on it. Oh. Scott Stoffel deposition exhibits. How about that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A.	to bring on a new partner?  We never thought of that. That's our group of stockholders. It's also our board of directors.  But we are usually unanimous if we decide that there's going to be another stockholder.  So you have You get paid a salary, is that correct?  Yes.  And then profits are divided by in terms of 401(k) distribution; is that what I understand?  Yes. Yes.  Is there any other means by which profits are distributed?  If we have leftover from 401(k) and from the donations we make, and it happens upon occasions, we then distribute some leftover money to the stockholders based upon their percentage of ownership.  Has there ever been a year in the last four years where you have not received some leftover	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q. Q.	Was there anything about Mr. Fenton or Mr. Beauchamp's report that changed or altered your opinions in this case? No. May I see that other stack of materials? Yes. I must have been asleep at the wheel when I looked at them and didn't have my coffee yet. I know I had them, and if they're not there I wouldn't know why. The one I received was Mr. Beauchamp. I recall reading it. Sure. Who prepared the indexed deposition of Scott Stoffel? I did, and Mary Stoflet typed it. Okay. We'll mark that as Exhibit 29 to your deposition.  (Exhibit 29 marked for identification.) What's in Do you know what's in this envelope here? It has a No. 26075 on it. Oh. Scott Stoffel deposition exhibits. How about that? Yes. It's the transcript and the exhibits. I

I	Page 42			Page 44
1	deposition?	1		ahead and mark this Exhibit 32 and she can
2 A.	Not a summary, but an index, which is in the	2		duplicate it for us. Okay?
3	front of the folder you're holding.	3	A.	Yes, sir.
4 Q.	I'm going to mark that index as Exhibit 30 to	4		(Exhibit 32 marked for
5	your deposition.	5		identification.)
6	(Exhibit 30 marked for	6	Q.	Thank you.
7	identification.)	7		There's another folder here, it looks
8 Q.	Did you review the deposition Strike that.	8		like with your case number on it, 26705, it has
9	Did you review the report of Gray Beauchamp?	9		a CD that says "Below, Joshua photographs"?
10 A.	Yes.	10	A.	Yes.
11 Q.	Did you make any notes about it?	11	Q.	And then that was attached to some printouts of
12 A.	No.	12		some photographs of the accident scene, is that
13 Q.	Here it is. Is this your revised Rule 26 list?	13		correct?
14 A.	Yes.	14	A.	Yes.
15 Q.	Let me mark as Exhibit 31 a revised Rule 26	15	Q.	And those have been Bates labeled and produced
16	list that you have brought with you this	16		to me already. We don't need to mark them
17	morning.	17		again.
18	(Exhibit 31 marked for	18		There's some additional photographs
19	identification.)	19		Bates labeled SKO42 through 64. Whose
20 Q.	Is it up-to-date as to the last time you made a	20		photographs are those? If you know.
21	trial appearance on October the 10th, 2016?	21	A.	Offhand I don't recall. It may be
22 A.	Yes. But it's not a revision. It's an	22		Mr. Peterson's, but they may have been provided
23	addition, an up-to-date. It's not revised	23		to us also.
24	in terms of the headings that would have been	24	Q.	Okay. Some additional accident scene
25	in the other previously provided Rule 26	25		photographs Bates labeled BEL050004 through
	Page 43			Page 45
1	list.	1		BEL050019. Do you know where those came
2 Q.	Sure. Did you drop some off the top since	2		from?
3	those dates had expired?	3	A.	They were sent to us from Mr. Rottier's office,
4 A.	I probably did, yes, because it's a four-year	4		but they appear to be police-taken
5	list.	5	_	photographs.
6 Q.	Sure. Do you keep anywhere a list That's	6	Q.	There's some manila folders in here. The first
7	Exhibit 31, correct?	7		one is "Vehicle Specifications." Is that your
8 A.		8		handwriting on the first page of that document?
9 Q.	Do you keep anywhere a list of depositions or	9	Α.	Some is, but most is not. It's Mr. Zuelhke.
10	trial testimony that goes further back than	10	Q.	Next manila folder is the correspondence
11	four years?	11		between you and Mr. Rottier's firm, is that
1,0	NT	1		_
12 A.	No.	12	7	correct?
13 Q.	Let me hand you this back, sir.	13	Α.	<pre>correct? Or between my office and Mr. Rottier's firm,</pre>
13 Q. 14 A.	Let me hand you this back, sir. Yes.	13 14		<pre>correct? Or between my office and Mr. Rottier's firm, yes.</pre>
13 Q. 14 A. 15 Q.	Let me hand you this back, sir.  Yes.  Also in your file is a CD that says "Inspection	13 14 <b>15</b>	A. Q.	correct? Or between my office and Mr. Rottier's firm, yes. Fair enough. Fair enough.
13 Q. 14 A. 15 Q. 16	Let me hand you this back, sir.  Yes.  Also in your file is a CD that says "Inspection photographs 1 through 336" taken November the	13 14 <b>15</b> <b>16</b>		correct? Or between my office and Mr. Rottier's firm, yes. Fair enough. Fair enough. The next manila folder is the police
13 Q. 14 A. 15 Q. 16 17	Let me hand you this back, sir.  Yes.  Also in your file is a CD that says "Inspection photographs 1 through 336" taken November the 4th, 2013, August the 11th, 2014, and 9/22/15?	13 14 15 16 17		correct? Or between my office and Mr. Rottier's firm, yes. Fair enough. Fair enough. The next manila folder is the police materials that also contain the police report
13 Q. 14 A. 15 Q. 16 17 18 A.	Let me hand you this back, sir.  Yes.  Also in your file is a CD that says "Inspection photographs 1 through 336" taken November the 4th, 2013, August the 11th, 2014, and 9/22/15?  Is it the 4th or the 14th? But yes, those are	13 14 15 16 17 18		correct? Or between my office and Mr. Rottier's firm, yes. Fair enough. Fair enough.  The next manila folder is the police materials that also contain the police report and the policeman's photographs, is that
13 Q. 14 A. 15 Q. 16 17 18 A. 19	<pre>Yes. Also in your file is a CD that says "Inspection photographs 1 through 336" taken November the 4th, 2013, August the 11th, 2014, and 9/22/15? Is it the 4th or the 14th? But yes, those are our pictures.</pre>	13 14 15 16 17 18 19	Q.	correct? Or between my office and Mr. Rottier's firm, yes. Fair enough. Fair enough.  The next manila folder is the police materials that also contain the police report and the policeman's photographs, is that correct?
13 Q. 14 A. 15 Q. 16 17 18 A. 19 20 Q.	<pre>Let me hand you this back, sir. Yes. Also in your file is a CD that says "Inspection photographs 1 through 336" taken November the 4th, 2013, August the 11th, 2014, and 9/22/15? Is it the 4th or the 14th? But yes, those are our pictures. It's hard to read from there. I apologize. I</pre>	13 14 15 16 17 18 19 20	Q. A.	correct? Or between my office and Mr. Rottier's firm, yes. Fair enough. Fair enough.  The next manila folder is the police materials that also contain the police report and the policeman's photographs, is that correct? Yes.
13 Q. 14 A. 15 Q. 16 17 18 A. 19 20 Q. 21	Let me hand you this back, sir.  Yes.  Also in your file is a CD that says "Inspection photographs 1 through 336" taken November the 4th, 2013, August the 11th, 2014, and 9/22/15? Is it the 4th or the 14th? But yes, those are our pictures.  It's hard to read from there. I apologize. I hand it to you?	13 14 15 16 17 18 19 20 21	Q.	correct? Or between my office and Mr. Rottier's firm, yes. Fair enough. Fair enough.  The next manila folder is the police materials that also contain the police report and the policeman's photographs, is that correct? Yes. Okay. I'm going to mark the next manila folder
13 Q. 14 A. 15 Q. 16 17 18 A. 19 20 Q. 21 22 A.	Let me hand you this back, sir.  Yes.  Also in your file is a CD that says "Inspection photographs 1 through 336" taken November the 4th, 2013, August the 11th, 2014, and 9/22/15? Is it the 4th or the 14th? But yes, those are our pictures.  It's hard to read from there. I apologize. I hand it to you?  Yes. Those are our photographs taken by	13 14 15 16 17 18 19 20 21 22	Q. A.	correct? Or between my office and Mr. Rottier's firm, yes. Fair enough. Fair enough.  The next manila folder is the police materials that also contain the police report and the policeman's photographs, is that correct? Yes. Okay. I'm going to mark the next manila folder as Exhibit 33.
13 Q. 14 A. 15 Q. 16 17 18 A. 19 20 Q. 21 22 A. 23	Let me hand you this back, sir.  Yes.  Also in your file is a CD that says "Inspection photographs 1 through 336" taken November the 4th, 2013, August the 11th, 2014, and 9/22/15?  Is it the 4th or the 14th? But yes, those are our pictures.  It's hard to read from there. I apologize. I hand it to you?  Yes. Those are our photographs taken by Mr. Peterson and myself.	13 14 15 16 17 18 19 20 21 22 23	Q. A.	correct? Or between my office and Mr. Rottier's firm, yes. Fair enough. Fair enough.  The next manila folder is the police materials that also contain the police report and the policeman's photographs, is that correct? Yes. Okay. I'm going to mark the next manila folder as Exhibit 33.  (Exhibit 33 marked for
13 Q. 14 A. 15 Q. 16 17 18 A. 19 20 Q. 21 22 A.	Let me hand you this back, sir.  Yes.  Also in your file is a CD that says "Inspection photographs 1 through 336" taken November the 4th, 2013, August the 11th, 2014, and 9/22/15? Is it the 4th or the 14th? But yes, those are our pictures.  It's hard to read from there. I apologize. I hand it to you?  Yes. Those are our photographs taken by	13 14 15 16 17 18 19 20 21 22	Q. A.	correct? Or between my office and Mr. Rottier's firm, yes. Fair enough. Fair enough.  The next manila folder is the police materials that also contain the police report and the policeman's photographs, is that correct? Yes. Okay. I'm going to mark the next manila folder as Exhibit 33.

_		P 16			D 40
1	A.	Page 46 Yes. Exhibit 33 contains SKO129 through	1	A.	Page 48 I don't mind at all.
2		SKO135, and they are eight-by-ten color photos	2	Q.	Fantastic.
3		of the area where the accident occurred. It's	3		(Exhibit 36 marked for
4		from the Google Earth Street View.	4		identification.)
5	Q.	Whose handwriting is on those photographs?	5	Q.	Last thing for now that I'd like to mark as
6	Α.	Mr. Peterson.	6	-	Exhibit 36 is SKO078, and it's a full diagram
7		(Exhibit 34 marked for	7		of the accident scene, is that correct?
8		identification.)	8	A.	Yes, it is.
9	Q.	Let me hand you what I've marked as Exhibit 34.	9	٥.	Excuse me. Is this something your office put
10	~	This is a manila folder marked "Calculations,"	10	~	together?
11		is that correct?	11	Α.	It is.
12	Α.	Yes, it is.	12	٥.	And does it depict the accident scene and what
13	0.	Is that the entirety of the calculations that	13	χ.	you believe to be the movement of the vehicle
14	χ.	you've performed in this matter in order to	14		during the accident sequence?
15		render your opinions in this case?	15	Α.	Yes.
16	Α.	Yes.	16	Q.	Have you noted on there indications where
17	11.	(Exhibit 35 marked for	17	χ.	certain items were found?
18		identification.)	18	Α.	Yes.
19	o.	I hand you what's been marked as Exhibit 35 to	19	Q.	Debris?
20	Q.	your deposition. It's a manila folder marked	20	<b>Ω.</b> Α.	Yes.
21		"Inspection Notes." What's that?	21	Q.	All right. We're going to come back to this.
22	Α.	These are the notes generated at the time of	22	Q.	Did you request anything else to
23	А.	times actually of the inspections of the	23		review that you have not received?
24		accident site, and also notes containing such	24	Α.	No.
25		as the September 22nd, 2015 inspection by	25	Q.	Does your opinion that we've marked as Exhibit
25		as the September 22nd, 2013 hispection by	25	v.	boes your opinion that we ve marked as Exhibit
		5 40			
1		Page 47	1		Page 49
1		myself of the Yokohama tire, and it's SKO143.	1		Strike that. Does your report that we've
2		myself of the Yokohama tire, and it's SKO143.  Exhibit 25 contains SKO138 through,	2		Strike that. Does your report that we've marked as Exhibit 26 reflect your current
		myself of the Yokohama tire, and it's SKO143.			Strike that. Does your report that we've
2 3	Q.	myself of the Yokohama tire, and it's SKO143.  Exhibit 25 contains SKO138 through, and provided they're still in numerical order,	2	Α.	Strike that. Does your report that we've marked as Exhibit 26 reflect your current opinions that you intend to offer in this
2 3 4	Q.	myself of the Yokohama tire, and it's SKO143.  Exhibit 25 contains SKO138 through, and provided they're still in numerical order, SKO149.	2 3 4	Α.	Strike that. Does your report that we've marked as Exhibit 26 reflect your current opinions that you intend to offer in this case?
2 3 4 <b>5</b>	Q.	myself of the Yokohama tire, and it's SKO143.  Exhibit 25 contains SKO138 through, and provided they're still in numerical order, SKO149.  Is Exhibit 35 the entirety of the handwritten	2 3 4 5	A. Q.	Strike that. Does your report that we've marked as Exhibit 26 reflect your current opinions that you intend to offer in this case?  Yes. Not all of them, but some of them
2 3 4 5 6	<b>Q.</b> A.	myself of the Yokohama tire, and it's SKO143.  Exhibit 25 contains SKO138 through, and provided they're still in numerical order, SKO149.  Is Exhibit 35 the entirety of the handwritten inspection notes that exist related to this	2 3 4 5		Strike that. Does your report that we've marked as Exhibit 26 reflect your current opinions that you intend to offer in this case?  Yes. Not all of them, but some of them certainly.
2 3 4 5 6 7		myself of the Yokohama tire, and it's SKO143.  Exhibit 25 contains SKO138 through, and provided they're still in numerical order, SKO149.  Is Exhibit 35 the entirety of the handwritten inspection notes that exist related to this file?	2 3 4 5 6 7		Strike that. Does your report that we've marked as Exhibit 26 reflect your current opinions that you intend to offer in this case?  Yes. Not all of them, but some of them certainly.  Sure. Well, with regard to the accident
2 3 4 5 6 7 8	Α.	myself of the Yokohama tire, and it's SKO143.  Exhibit 25 contains SKO138 through, and provided they're still in numerical order, SKO149.  Is Exhibit 35 the entirety of the handwritten inspection notes that exist related to this file? Yes.	2 3 4 5 6 7 8	Q.	Strike that. Does your report that we've marked as Exhibit 26 reflect your current opinions that you intend to offer in this case?  Yes. Not all of them, but some of them certainly.  Sure. Well, with regard to the accident reconstruction it does, right?
2 3 4 5 6 7 8 9	Α.	myself of the Yokohama tire, and it's SKO143.  Exhibit 25 contains SKO138 through, and provided they're still in numerical order, SKO149.  Is Exhibit 35 the entirety of the handwritten inspection notes that exist related to this file?  Yes.  Are there any other electronic notes that exist	2 3 4 5 6 7 8	Q.	Strike that. Does your report that we've marked as Exhibit 26 reflect your current opinions that you intend to offer in this case?  Yes. Not all of them, but some of them certainly.  Sure. Well, with regard to the accident reconstruction it does, right?  It doesn't have the speed on the drawing. But
2 3 4 5 6 7 8 9	Α.	myself of the Yokohama tire, and it's SKO143.  Exhibit 25 contains SKO138 through, and provided they're still in numerical order, SKO149.  Is Exhibit 35 the entirety of the handwritten inspection notes that exist related to this file?  Yes.  Are there any other electronic notes that exist related to this file that you have not brought	2 3 4 5 6 7 8 9	Q.	Strike that. Does your report that we've marked as Exhibit 26 reflect your current opinions that you intend to offer in this case?  Yes. Not all of them, but some of them certainly.  Sure. Well, with regard to the accident reconstruction it does, right?  It doesn't have the speed on the drawing. But the drawing does show the accident sequence,
2 3 4 5 6 7 8 9 10	A. Q.	myself of the Yokohama tire, and it's SKO143.  Exhibit 25 contains SKO138 through, and provided they're still in numerical order, SKO149.  Is Exhibit 35 the entirety of the handwritten inspection notes that exist related to this file?  Yes.  Are there any other electronic notes that exist related to this file that you have not brought with you?	2 3 4 5 6 7 8 9 10	Q. A.	Strike that. Does your report that we've marked as Exhibit 26 reflect your current opinions that you intend to offer in this case?  Yes. Not all of them, but some of them certainly.  Sure. Well, with regard to the accident reconstruction it does, right?  It doesn't have the speed on the drawing. But the drawing does show the accident sequence, yes.
2 3 4 5 6 7 8 9 10 11	A. <b>Q.</b> A.	myself of the Yokohama tire, and it's SKO143.  Exhibit 25 contains SKO138 through, and provided they're still in numerical order, SKO149.  Is Exhibit 35 the entirety of the handwritten inspection notes that exist related to this file?  Yes.  Are there any other electronic notes that exist related to this file that you have not brought with you?  No.	2 3 4 5 6 7 8 9 10 11 12	Q. A.	Strike that. Does your report that we've marked as Exhibit 26 reflect your current opinions that you intend to offer in this case?  Yes. Not all of them, but some of them certainly.  Sure. Well, with regard to the accident reconstruction it does, right?  It doesn't have the speed on the drawing. But the drawing does show the accident sequence, yes.  I apologize. And I had switched gears on you.
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		Page 50			Page 52
1		little bit.	1		the inspection was made August 11th, 2014.
2		Did you ever meet with anybody about	2	Q.	Uh-huh. What did Mr Well, strike that.
3		this accident?	3		Was anyone else beside Mr. Peterson at the
4	A.	No. Well, I certainly met with Mr. Rottier and	4		scene of the accident on August the 11th,
5		talked to him about the accident.	5		2014?
6	Q.	Sure. Anybody else?	6	A.	Yes.
7	A.	No. Not outside of our office, no, no one	7	Q.	Who else?
8		else.	8	A.	Investigator Tom Malone of Mr. Rottier's
9	Q.	Didn't meet with the eyewitness?	9		office.
10	A.	I did not.	10	Q.	Anybody else?
11	Q.	You have not met Mr. Below?	11	A.	No.
12	A.	I have not.	12	Q.	Did Mr. Malone assist in the investigation of
13	Q.	You didn't meet with the police officer?	13		the accident scene?
14	A.	I did not.	14	A.	Yes.
15	Q.	The notes indicate that you first inspected the	15	Q.	In what means?
16		scene on August the 11th, 2014?	16	A.	In holding the survey stick so the survey could
17	A.	I did not. Mr. Peterson did.	17		be generated, and the points generated shown on
18	Q.	Okay. Have you ever been to the scene?	18		SKOGEN139 through 142 contained in
19	A.	I have, but not for purposes of this accident.	19		Exhibit 20 35.
20		I've been through there many times.	20	Q.	What was Mr. Peterson's purpose for going to
21	Q.	Driven through there?	21		the scene on August the 11th, 2014?
22	A.	Correct.	22	A.	To survey the accident site and to preserve any
23	Q.	All right. Have you ever stopped at this	23		evidence that may still have been present.
24		accident scene to perform any type of	24	Q.	Did he survey the accident scene?
25		investigation related to this accident?	25	A.	Yes, he did.
		Page 51			Page 53
1	Α.	I did not stop, you're correct.	1	Q.	Is that part of the exhibit that you just
2	A. Q.	I did not stop, you're correct.  All right. So Mr. Peterson went to the scene	2		Is that part of the exhibit that you just referenced?
2 3	Q.	I did not stop, you're correct.  All right. So Mr. Peterson went to the scene on August the 11th, 2014, is that right?	<b>2</b> 3	Q. A.	Is that part of the exhibit that you just referenced?  Yes. The downloaded survey points. He used a
2 3 4	<b>Q.</b> A.	I did not stop, you're correct.  All right. So Mr. Peterson went to the scene on August the 11th, 2014, is that right?  That's correct.	<b>2</b> 3 4		Is that part of the exhibit that you just referenced?  Yes. The downloaded survey points. He used a total station, and so the downloaded survey
2 3 4 5	Q.	I did not stop, you're correct.  All right. So Mr. Peterson went to the scene on August the 11th, 2014, is that right?  That's correct.  Do you know why there was almost a year between	2 3 4 5		Is that part of the exhibit that you just referenced?  Yes. The downloaded survey points. He used a total station, and so the downloaded survey points are contained on SKO139 through SKO142
2 3 4 5 6	<b>Q.</b> A.	I did not stop, you're correct.  All right. So Mr. Peterson went to the scene on August the 11th, 2014, is that right?  That's correct.  Do you know why there was almost a year between the accident and when Mr. Peterson first went	2 3 4 5 6		Is that part of the exhibit that you just referenced?  Yes. The downloaded survey points. He used a total station, and so the downloaded survey points are contained on SKO139 through SKO142 in Exhibit 25 or 35.
2 3 4 5 6 7	Q. A. Q.	I did not stop, you're correct.  All right. So Mr. Peterson went to the scene on August the 11th, 2014, is that right?  That's correct.  Do you know why there was almost a year between the accident and when Mr. Peterson first went to the scene?	2 3 4 5 6 7		Is that part of the exhibit that you just referenced?  Yes. The downloaded survey points. He used a total station, and so the downloaded survey points are contained on SKO139 through SKO142 in Exhibit 25 or 35.  May I write the 3 better so it doesn't
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_		Page 54			Page 56
1		because you set up the total station and you	1		truck?
2		survey the points.	2	A.	Not of which I'm aware.
3	Q.	Uh-huh.	3	Q.	You've been to enough accident scenes to
4	A.	And then the points are related to each other,	4		know that there's a lot of tire fragments
5		and they don't need to be related to the	5		on the roadways of United States, aren't
6		total station location or a reference point per	6		there?
7		se.	7		MR. ROGERS: Object to form. Go
8	Q.	Are you aware of whether Mr. Peterson was able	8		ahead.
9		to retrieve any evidence from the scene that	9	A.	Well, if you take the whole United States, I
10		day?	10		suppose there are a lot of tire fragments. But
11	A.	I do understand that there were some pieces of	11		it's not something you just find on all roads
12		evidence still present, some pieces of tire and	12		in all places at all times.
13		broken glass and scallop marks and that sort of	13		MR. TAYLOR:
14		thing in the shoulder or in the median.	14	Q.	Really?
15	Q.	Sure. What Which Let me start over.	15	A.	Of course not.
16		Which pieces of evidence did Mr. Peterson	16	Q.	Really?
17		actually retrieve from the scene, if any? Did	17	A.	That's right.
18		he pick up anything and bring it back to the	18	Q.	In Wisconsin you don't find tire fragments,
19		office with him?	19		like you couldn't walk out on the interstate
20	A.	I don't see that he did. SKO147 indicates the	20		right now and find tire fragments almost
21		survey points of the biggest tire piece and	21		along the way?
22		photographs were taken. Then there were some	22	A.	If you go out on the interstate right now, you
23		other tire fragments. But photos were taken.	23		probably could find some semi separated tires.
24		I don't recall those being picked up, however,	24		But my experience having surveyed the
25		the smaller pieces, and there were flags	25		interstate many, many times, you don't find
		Page 55			Page 57
1		Page 55 marked, and you may see those in Mr. Peterson's	1		Page 57 that many.
1 2			1 2	Q.	
l		marked, and you may see those in Mr. Peterson's		Q.	that many.
2		marked, and you may see those in Mr. Peterson's photographs, the survey evidence.	2	<b>Q.</b> A.	that many.  Okay. Y'all do a better job of cleaning your
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A.	marked, and you may see those in Mr. Peterson's photographs, the survey evidence.  I don't I'm not aware that Mr. Peterson picked up any of the evidence at the time of the April or pardon me, August 11th, 2014 survey.  By what means did Mr. Peterson verify that the tire fragments that he found on the scene almost a year after the accident were related to this particular accident?  A subsequent study revealed that the tread pattern was the same for the tire and the other tires.  Was that on the big piece of tire that he found?  Yes.  What about the fragments that he found?  I don't know if he correlated those to where they came from, from this tire or from something else. I don't know that to be a fact.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A. Q. A. Q.	that many.  Okay. Y'all do a better job of cleaning your roadways than we do in Texas. Congratulations. Thank you.  There was a subsequent inspection of the accident scene in November of 2014, is that right?  Yes.  Okay. Who did the subsequent inspection of the accident scene?  Mr. Peterson.  Do you know why he did a second or subsequent inspection?  Yes, I do.  Why?  Because he wanted to measure the I'll call them rumble strips. Some people call them wake-me-up strips along the side of the road, and he wanted to use those and measure those for use in analyzing the photographs taken by the officers.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A.	marked, and you may see those in Mr. Peterson's photographs, the survey evidence.  I don't I'm not aware that Mr. Peterson picked up any of the evidence at the time of the April or pardon me, August 11th, 2014 survey. By what means did Mr. Peterson verify that the tire fragments that he found on the scene almost a year after the accident were related to this particular accident? A subsequent study revealed that the tread pattern was the same for the tire and the other tires. Was that on the big piece of tire that he found? Yes. What about the fragments that he found? I don't know if he correlated those to where they came from, from this tire or from something else. I don't know that to be a fact. Has anybody since then made any effort to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A. Q.	Ckay. Y'all do a better job of cleaning your roadways than we do in Texas. Congratulations. Thank you.  There was a subsequent inspection of the accident scene in November of 2014, is that right?  Yes.  Okay. Who did the subsequent inspection of the accident scene?  Mr. Peterson.  Do you know why he did a second or subsequent inspection?  Yes, I do.  Why?  Because he wanted to measure the I'll call them rumble strips. Some people call them wake-me-up strips along the side of the road, and he wanted to use those and measure those for use in analyzing the photographs taken by the officers.  And that's shown in SKO144 in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A.	marked, and you may see those in Mr. Peterson's photographs, the survey evidence.  I don't I'm not aware that Mr. Peterson picked up any of the evidence at the time of the April or pardon me, August 11th, 2014 survey. By what means did Mr. Peterson verify that the tire fragments that he found on the scene almost a year after the accident were related to this particular accident? A subsequent study revealed that the tread pattern was the same for the tire and the other tires. Was that on the big piece of tire that he found? Yes. What about the fragments that he found? I don't know if he correlated those to where they came from, from this tire or from something else. I don't know that to be a fact. Has anybody since then made any effort to correlate the tire fragments that were found	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. A. A.	that many.  Okay. Y'all do a better job of cleaning your roadways than we do in Texas. Congratulations. Thank you.  There was a subsequent inspection of the accident scene in November of 2014, is that right?  Yes.  Okay. Who did the subsequent inspection of the accident scene?  Mr. Peterson.  Do you know why he did a second or subsequent inspection?  Yes, I do.  Why?  Because he wanted to measure the I'll call them rumble strips. Some people call them wake-me-up strips along the side of the road, and he wanted to use those and measure those for use in analyzing the photographs taken by the officers.  And that's shown in SKO144 in Exhibit 35.

		Daga E0			Page 60
1		Page 58 inspection on November 17th, 2014?	1	Α.	On the pavement surface? No. Not of which I'm
2		MR. ROGERS: I'm sorry.	2		aware, he did not.
3		MR. TAYLOR: Yeah. It was a horrible	3	Q.	So no tire marks, no gouge marks on the roadway
4		question. Let me start all over. Yeah. No.	4	_	that he found?
5		It was me. Let me start all over.	5	A.	That's correct, at the time of his
6	Q.	Other than measuring the rumble strips during	6		inspection.
7	-	that inspection in November of 2014, are you	7	Q.	Sure. And you already mentioned in answer to
8		aware of Mr. Peterson doing anything else?	8	-	one of the questions, that he did find some
9	Α.	No.	9		markings from the subject vehicle in the
10	Q.	That was his sole purpose in going out there?	10		median?
11	Α.	Yes.	11	Α.	Yes.
12	٥.	Did anyone else attend the November 17th, 2014	12	٥.	Did he find any on the other side of the
13	χ.	inspection?	13	χ.	roadway where the vehicle ended up?
14	Α.	No.	14	Α.	Not of which I'm aware.
15	٥.	Do you know how long he spent during that	15	ο.	Okay. I understand from your report that you
16	z.	inspection looking at the rumble strips?	16	z.	guys measured the width of the roadway, is that
17	Α.	If you're asking me do I know having been there	17		right?
18	-1.	to watch him do it and time him, the answer	18	Α.	Yes.
19		would be no. But I would say probably less	19	Q.	Did you make an assessment of the dropoff
20		than an hour.	20	۸.	between the edge of the roadway and the center
21	Q.	Are his notes reflected in Exhibit 35?	21		of the median where the vehicle traveled?
22	<b>Α.</b>	Yes.	22	Α.	I'm sure it was surveyed, but I don't have a
23	Q.	Other than correlating the size of the rumble	23	11.	number particularly in mind for that without
24	۷.	strips with the photographs taken by the	24		studying the survey further.
25		police, was there any other purpose that you're	25	Q.	It would be in the survey documents?
		police, was elect any other purpose and you're	23	χ.	To would be in the burve, documents.
1		Page 59 aware of of measuring the rumble strips at the	1	Α.	Page 61 Yes.
2		accident scene?	2	Q.	Okay. The photographs that we've marked that
3	Α.	No.	3	χ.	are from the scene, Mr. Peterson would have
4	Q.	Has anyone else from your office been to the	4		taken all of those?
5	×.	scene of the accident to investigate it?	5	Α.	Yes. The photograph taken at the site at the
6	Α.	Not of which I'm aware, no.	6	А.	time of his inspection? Yes.
7	Q.	During I'm going to go ahead and roll both	7	٥.	Fair enough. He wasn't at the actual scene of
8	۷.	inspections into one, if that's all right, with	8	۷.	the accident?
9		the next set of questions.	9	Α.	
l	7\	<del>-</del>		А.	Correct. I call that when the accident
10	Α.	That's fine.	10	А.	occurred, and those photographs were taken by
10 <b>11</b>	A. Q.	That's fine.  During either inspection, did Mr. Peterson find	10 11		occurred, and those photographs were taken by the officers.
10 11 12	Q.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?	10 11 <b>12</b>	Q.	occurred, and those photographs were taken by the officers. That's a much more precise way of referring to
10 11 12 13	Q. A.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?  Not of which I'm aware, no.	10 11 12 13	Q.	occurred, and those photographs were taken by the officers. That's a much more precise way of referring to it.
10 11 12 13 14	Q.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?  Not of which I'm aware, no.  Had the roadway been resurfaced between the	10 11 12 13 14	Q. A.	occurred, and those photographs were taken by the officers. That's a much more precise way of referring to it. Thank you.
10 11 12 13 14 15	Q. A.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?  Not of which I'm aware, no.  Had the roadway been resurfaced between the time of the accident and when Mr. Peterson	10 11 12 13 14 15	Q. A. Q.	occurred, and those photographs were taken by the officers.  That's a much more precise way of referring to it.  Thank you.  Scene versus the site.
10 11 12 13 14 15 16	Q. A. Q.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?  Not of which I'm aware, no.  Had the roadway been resurfaced between the time of the accident and when Mr. Peterson first went to the scene?	10 11 12 13 14 15 16	Q. A. Q. A.	occurred, and those photographs were taken by the officers.  That's a much more precise way of referring to it.  Thank you.  Scene versus the site.  Thank you.
10 11 12 13 14 15 16 17	Q. A. Q.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?  Not of which I'm aware, no.  Had the roadway been resurfaced between the time of the accident and when Mr. Peterson first went to the scene?  Not of which I am aware, no.	10 11 12 13 14 15 16 17	Q. A. Q.	occurred, and those photographs were taken by the officers.  That's a much more precise way of referring to it.  Thank you.  Scene versus the site.  Thank you.  Gotcha. I'm going to adopt that from here on
10 11 12 13 14 15 16 17 18	Q. A. Q.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?  Not of which I'm aware, no.  Had the roadway been resurfaced between the time of the accident and when Mr. Peterson first went to the scene?  Not of which I am aware, no.  During that first inspection, did Mr. Peterson	10 11 12 13 14 15 16 17 18	Q. A. Q. A. Q.	occurred, and those photographs were taken by the officers.  That's a much more precise way of referring to it.  Thank you.  Scene versus the site.  Thank you.  Gotcha. I'm going to adopt that from here on out.
10 11 12 13 14 15 16 17 18 19	Q. A. Q. A.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?  Not of which I'm aware, no.  Had the roadway been resurfaced between the time of the accident and when Mr. Peterson first went to the scene?  Not of which I am aware, no.  During that first inspection, did Mr. Peterson mark the scene, with tape or spray paint?	10 11 12 13 14 15 16 17 18 19	Q. A. Q. A. Q.	occurred, and those photographs were taken by the officers.  That's a much more precise way of referring to it.  Thank you.  Scene versus the site.  Thank you.  Gotcha. I'm going to adopt that from here on out.  You go right ahead.
10 11 12 13 14 15 16 17 18 19	Q. A. Q. A. A.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?  Not of which I'm aware, no.  Had the roadway been resurfaced between the time of the accident and when Mr. Peterson first went to the scene?  Not of which I am aware, no.  During that first inspection, did Mr. Peterson mark the scene, with tape or spray paint?  Not of which I'm aware, no.	10 11 12 13 14 15 16 17 18 19 20	Q. A. Q. A. Q.	occurred, and those photographs were taken by the officers.  That's a much more precise way of referring to it.  Thank you.  Scene versus the site.  Thank you.  Gotcha. I'm going to adopt that from here on out.  You go right ahead.  Learn something new every day.
10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?  Not of which I'm aware, no.  Had the roadway been resurfaced between the time of the accident and when Mr. Peterson first went to the scene?  Not of which I am aware, no.  During that first inspection, did Mr. Peterson mark the scene, with tape or spray paint?  Not of which I'm aware, no.  You're just not aware?	10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q.	occurred, and those photographs were taken by the officers.  That's a much more precise way of referring to it.  Thank you.  Scene versus the site.  Thank you.  Gotcha. I'm going to adopt that from here on out.  You go right ahead.  Learn something new every day.  Let's go back to the subpoena duces
10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. A.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?  Not of which I'm aware, no.  Had the roadway been resurfaced between the time of the accident and when Mr. Peterson first went to the scene?  Not of which I am aware, no.  During that first inspection, did Mr. Peterson mark the scene, with tape or spray paint?  Not of which I'm aware, no.  You're just not aware?  Well, I knew they used flags. But as far as	10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q.	occurred, and those photographs were taken by the officers.  That's a much more precise way of referring to it.  Thank you.  Scene versus the site.  Thank you.  Gotcha. I'm going to adopt that from here on out.  You go right ahead.  Learn something new every day.  Let's go back to the subpoena duces tecum for just a second, which I believe is
10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?  Not of which I'm aware, no.  Had the roadway been resurfaced between the time of the accident and when Mr. Peterson first went to the scene?  Not of which I am aware, no.  During that first inspection, did Mr. Peterson mark the scene, with tape or spray paint?  Not of which I'm aware, no.  You're just not aware?  Well, I knew they used flags. But as far as spray paint, I would say no, they did not.	10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A. Q. A. Q.	occurred, and those photographs were taken by the officers.  That's a much more precise way of referring to it.  Thank you.  Scene versus the site.  Thank you.  Gotcha. I'm going to adopt that from here on out.  You go right ahead.  Learn something new every day.  Let's go back to the subpoena duces tecum for just a second, which I believe is Exhibit 25.
10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q.	That's fine.  During either inspection, did Mr. Peterson find any tire marks on the roadway?  Not of which I'm aware, no.  Had the roadway been resurfaced between the time of the accident and when Mr. Peterson first went to the scene?  Not of which I am aware, no.  During that first inspection, did Mr. Peterson mark the scene, with tape or spray paint?  Not of which I'm aware, no.  You're just not aware?  Well, I knew they used flags. But as far as	10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q.	occurred, and those photographs were taken by the officers.  That's a much more precise way of referring to it.  Thank you.  Scene versus the site.  Thank you.  Gotcha. I'm going to adopt that from here on out.  You go right ahead.  Learn something new every day.  Let's go back to the subpoena duces tecum for just a second, which I believe is

any videotaped or recorded interviews related to this accident?  to this accident?  A. Did I offer? I not only didn't offer any, I haven't seen any.  A. Did I offer? I not only didn't offer any, I haven't seen any.  A. Did I offer? I not only didn't offer any, I haven't seen any.  By C. Did you participated in any?  A. No. there is that recorded statement that I told you about before from a witness. But no.  I have not participated in any videotaped or recorded interview, nor has my office.  O. You brought with you all the correspondence between your company and Mr. Rottier's law firm, correct?  A. Yes.  You brought with you all records of payment in comment on with this particular file, correct?  A. I brought with you all records of payment in comment on with this particular file, correct?  A. I brought with the invoices which were sent the same.  J. D. Leavest they were paid, so it would be the same.  A. Clay. Thank you.  A. Row. Thank you.  A. Row. Thank you.  A. Row. Thank you.  Day to have any articles or publications that you've written or contributed to that you.  The payment is an example. But I personally don't with you?  A. No. I haven't written anything except my assister's thesis.  A. I have not.  A. I have not.  A. I have not.  A. I have not.  A. No. I haven't be expenied in any sort of trade journal or otherwise?  A. No. I haven't written anything except my assister's thesis.  A. No. I haven't written anything except my assister's thesis.  A. No. I have not.  Page 63  A. No. I have not.  Page 64  A. No. I have not.  Page 65  A. No. I have not otherwise?  A. No. I have not written anything except my assister's thesis.  A. No. I have not otherwise?  A. No. I have not otherwise?  A. No. I have not otherwise?  A. No. I have not of the record.  But you bring with you any articles or learned to series in this case?  A. No. Page 65  A. No.  Do you have a publications that you intend to rely upon for your opinions in th			Page 62			Page 64
A. Did I offer? I not only dich't offer any, I haven't seen any.  A brown't seen any.  5	1			1	A.	
baven't seen any.  6 A. No. There is that recorded statement that I told you should before from a witness. But no.  8 I have not participated in any videotaped or recorded interview, nor has my office.  9 C. You brought with you all the correspondence between your company and Nr. Nottier's law firm, correct?  10 C. You brought with you all records of payment in commettion with this particular file, correct?  11 A. No. And we don't — I wouldn't call it advertising, but it's information, because of the asse.  12 C. A couple with the invoices which were sent out. I expect they were paid, so it would be the asse.  13 C. For you should get a check before you leave.  14 A. No. And we don't — I wouldn't call it advertising, but it's information, because when the asse.  15 C. Do you have any articles or publications that you've written or contributed to that you you've written or contributed to that you you've written or contributed to that you are needer'ts thesis.  1 Q. Clay. You have a publications list?  2 A. No. I haven't written anything except my needer's thesis.  4 Q. Clay. You have a publications list?  5 A. No. Page 63  6 A. I have not.  7 Q. Clay. Was many a fire, correct in this case?  8 A. There was deadequestions. And my of yie on the website, as an example. But I personally don't advertise, but it's information, because the website, as an example. But I personally don't advertise, but it's information, because the website, as an example. But I personally don't advertise, but it's information, because the website, as an example. But I personally don't advertise, but it's information, because the website, as an example. But I personally don't advertise, but it's information, because the website, as an example. But I personally don't advertise, but I would be the asse.  15 A. No.  16 A. I hought with your any articles or publications that you intend to rely upon for the opinions that you are articles or learned treatises or textbooks that you intend to rely upon for the opinions that you intend to rely upon	2		to this accident?	2	Q.	And by what means?
baven't seen any.  6 A. No. There is that recorded statement that I told you should before from a witness. But no.  8 I have not participated in any videotaped or recorded interview, nor has my office.  9 C. You brought with you all the correspondence between your company and Nr. Nottier's law firm, correct?  10 C. You brought with you all records of payment in commettion with this particular file, correct?  11 A. No. And we don't — I wouldn't call it advertising, but it's information, because of the asse.  12 C. A couple with the invoices which were sent out. I expect they were paid, so it would be the asse.  13 C. For you should get a check before you leave.  14 A. No. And we don't — I wouldn't call it advertising, but it's information, because when the asse.  15 C. Do you have any articles or publications that you've written or contributed to that you you've written or contributed to that you you've written or contributed to that you are needer'ts thesis.  1 Q. Clay. You have a publications list?  2 A. No. I haven't written anything except my needer's thesis.  4 Q. Clay. You have a publications list?  5 A. No. Page 63  6 A. I have not.  7 Q. Clay. Was many a fire, correct in this case?  8 A. There was deadequestions. And my of yie on the website, as an example. But I personally don't advertise, but it's information, because the website, as an example. But I personally don't advertise, but it's information, because the website, as an example. But I personally don't advertise, but it's information, because the website, as an example. But I personally don't advertise, but it's information, because the website, as an example. But I personally don't advertise, but it's information, because the website, as an example. But I personally don't advertise, but I would be the asse.  15 A. No.  16 A. I hought with your any articles or publications that you intend to rely upon for the opinions that you are articles or learned treatises or textbooks that you intend to rely upon for the opinions that you intend to rely upon	3	A.	Did I offer? I not only didn't offer any, I	3	Α.	If I recall properly, we're on the Internet.
6 A. No. There is that recorded statement that I told you about before from a witness. But no. I have not participated in any videotaged or recorded interview, nor has my office.  9	4		haven't seen any.	4		
6 Å. No. There is that recorded statement that I told you about before from a witness. But no. I have not participated in any widecaped or recorded interview, nor has my office.  9 C You brought with you all the correspondence that you between your company and Mr. Nottier's law firm, correct?  10 Q. You brought with you all records of payment in connection with this particular file, correct?  14 Q. You brought with the immoises which were sent out. I expect they were paid, so it would be the same.  17 on the same.  18 Q. You have any articles or publications that you 've written or contributed to that you brought with you?  20 Q. Do you have any articles or published in any sort of trade journal or otherwise?  1 Q. Do you have a publication slist?  2 A. No. I haven't verteen anything except my master's thesis.  3 Q. Do you have a publication or otherwise?  4 A. No of which I'm aware.  5 A. I have not.  9 Q. Did you browled Mr. Nottier or anyone in his office a list of learned treatises or publications that you intend to rely upon for the opinions that you're going to office a list of learned treatises or publications that you intend to rely upon for pour opinions in this case?  10 Q. Do you have a list of learned treatises or publications that you intend to rely upon for pour opinions in this case?  2 A. No.  3 A. Wes.  2 A. No.  2 Do you have a publication or vehicle dynamics?  3 Q. Do you have a publication or vehicle dynamics?  4 A. Not of which I'm aware.  5 Did you provide Mr. Nottier or anyone in his office a list of learned treatises and articles that you intend to rely upon for pour opinions in this case?  2 A. No.  3 A. No.  4 A. Not of which I'm aware.  5 Did you provide Mr. Nottier or anyone in his office a list of learned treatises or publications that you intend to rely upon for your opinions in this case?  2 A. No.  3 A. No.  4 A. Not of which I'm aware.  5 Did you provide Mr. Nottier or anyone in his office a list of learned treatises or publications in this case?  4 A. No.  5 Did you have a list	5	Q.	Did you participate in any?	5		haven't looked at it for a number of years, so
told you about before from a witness. But no.  I have not participated in any videotaged or recorded interview, nor has my office. You brought with you all the correspondence between your company and Mr. Rottier's law lift, correct?  No. Yes. You brought with you all records of payment in connection with this particular file, correct? You brought with you all records of payment in this connection with this particular file, correct? You brought with you all records of payment in this connection with this particular file, correct? You have any thing were paid, so it would be the same.  If not, you should get a check before you  A Mokay. Thank you.  You we written or contributed to that you  you've written or contributed to that you  hrought with you?  Page 63  Q. Do you have a publications list? A Mo. I haven't written anything except my master's thesis.  Q. Cay. You have a publications list? A Mo. I have not.  Page 63  Q. Cay. You have a publications list? A Mo. I have not written anything except my master's thesis.  Q. Do you have a publications list? A Mo. I have not written anything except my master's thesis.  Q. Do you have a publications list? A Mo. I have not written anything except my master's thesis.  Q. Cay. Way. Has anyone from Stogen Engineering been published on any type of issue related to accident reconstruction or vehicle dynamic? B published on any type of issue related to accident reconstruction or vehicle dynamic? B published on any type of issue related to accident reconstruction or vehicle dynamic? B published on any type of issue related to accident reconstruction or vehicle dynamic? B published on any type of issue related to accident reconstruction or vehicle dynamic? B published on any type of issue related to accident reconstruction or vehicle dynamic? B published on any type of issue related to accident reconstruction or vehicle dynamic? B published on any type of issue related to accident reconstruction or vehicle dynamic? B published on any type of issue related to accident reconstruc	6			6		
I have not participated in any videotaped or recorded interview, nor has my office.  Q. You brought with you all the correspondence between your company and Mr. Rottier's law firm, correct?  A. You brought with you all records of payment in connection with this particular file, correct?  A. Prought with the invoices which were sent to cornect in with the invoices which were sent to we're asked questions. And my CV is on the website, as an example. But I personally don't advertising, but it's information, because we're asked questions. And my CV is on the website, as an example. But I personally don't advertise.  A. I brought with vou?  A. I cayeet they were paid, so it would be the same.  If not, you should get a check before you leave.  A. Okay. Thank you.  Do you have any articles or publications that you've written or contributed to that you brought with you?  A. No.  Page 63  A. I haven't written anything except my master's thesis.  A. No.  A. I haven't written anything except my master's thesis.  A. No.  A. I have not.  A. Not of which 'I'm aware.  A. No. I haven't written anything except my accident reconstruction or vehicle dynamics?  A. No. of My Charma in this case?  A. No.  MR. KRIVA: For my younger-than-Dennis's kidneys?  MR. TATLOR: Sure. Absolutely.  MR. TATLOR: Sure. Absolutely.  MR. TATLOR: Sure. Absolutely of the record at 10:26 a.m.  MR. TATLOR:  MR. TATLOR	7		told you about before from a witness. But no.	7	0.	
9 recorded interview, nor has my office. 10 Q. You brought with you all the correspondence 11 between your company and Mr. Rottier's law 12 firm, correct? 13 A. Yes. 14 Q. You brought with you all records of payment in 15 connection with this particular file, correct? 16 A. I brought with you all records of payment in 17 cour. I expect they were paid, so it would be 18 the same. 19 Q. If not, you should get a check before you 10 laws. 21 A. Gkay. Thank you. 22 Q. Do you have any articles or publications that 23 you've written or contributed to that you 24 brought with you? 25 A. No. 26 Q. Clay. You haven't been published in any sort 27 of trade journal or otherwise? 28 A. No. I have not. 29 Q. Clay. Was anyone from Skogen Engineering been 29 published on any type of issue related to 20 accident reconstruction or vehicle dynamics? 21 Q. Did you provide Mr. Rottier or anyone in his 21 Q. Did you provide Mr. Rottier or anyone in his 22 of Do you have a list of learned treatises or 23 publications that you intend to rely upon for your opinions in this case? 24 the you intend to rely upon for your opinions in this case? 25 A. No. 26 Q. Do you have a list of learned treatises or 27 publications that you intend to rely upon for your opinions in this case? 28 publications that you intend to rely upon for your opinions in this case? 29 A. No. 20 Do you have a list of learned treatises or 20 publications that you intend to rely upon for your opinions in this case? 20 A. No. 21 Q. Do you have a list of learned treatises or 22 publications that you intend to rely upon for your opinions in this case? 23 your opinions in this case? 24 A. No. 25 Protection. I have not your nead to concent? 26 A. No. And we don't I wouldn't call it 27 A. No. And we don't I wouldn't call it 28 advertising, but it's information, because 29 Wint CV is pretty good advertising, isn't it? 20 You CV is pretty good advertising, isn't it? 21 A. No. I haven't written anyour opinions in this case? 22 D. Do you have a publications list? 23 D. Do you	8		-	8		
10   Now brought with you all the correspondence between your company and Mr. Rottier's law 11   Long time either.	9			9		-
between your company and Mr. Rottier's law firm, correct?   12   0. Advertising is not your not your area of concern?   13   1.   1.   1.   1.   1.   1.   1.		0.		10		
12   firm, correct? 13   A. Yes.   Yes.   14   Q. You brought with you all records of payment in   15   connection with this particular file, correct? 16   A. I brought with the invoices which were sent   16   A. I brought with the invoices which were sent   17   out. I expect they were paid, so it would be   18   the same.   18   value   19   Q. If not, you should get a check before you   19   Leave.   20   Nour (V is pretty good advertising, isn't it?   20   Leave.   20   You found that you   21   A. No.   A. No.   22   Q. Do you have any articles or publications that   23   you've written or contributed to that you   24   brought with you?   24   Q. Sure. Sure.   25   Did you review any documents produced   26   A. No.   I haven't written anything except my   27   Q. Okay. You haven't been published in any sort   28   of trade journal or otherwise?   5   29   A. Not of which I'm aware.   10   20   A. Not of which I'm aware.   10   21   A. Not of which I'm aware.   10   22   Q. Did you bring with you any articles or learned treatises or textbooks that you intend to rely upon for the opinions that you're going to   30   Or you have a list of learned treatises and articles   31   A. No.   A. No.   32   A. No.   I have not.   33   A. Did you provide Mr. Rottier or anyone in his   34   Or you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case?   14   31   Or you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case?   14   32   Or you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case?   14   32   Or you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case?   14   34   Or you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case?   14   35   Or you have a list of learned treatises or publications that you intend to rely upon for your op		-				•
13 A. Yes. 14 Q. You brought with you all records of payment in 15 connection with this particular file, correct? 16 A. I brought with the invoices which were sent out. I expect they were paid, so it would be the same. 19 Q. If not, you should get a check before you leave. 20 Leave. 21 A. Okay. Thank you. 22 Q. Do you have any articles or publications that you're written or contributed to that you your your verwitten or contributed to that you master's thesis. 25 A. No. 26 Q. Okay. You haven't been published in any sort of trade journal or otherwise? 26 A. I have not. 27 Q. Okay. Bas anyone from Skogen Engineering been published on any type of issue related to accident reconstruction or vehicle dynamics? 29 Q. Did you bring with you any articles or learned treatises or texthooks that you intend to rely upon for the opinions that you're going to office a list of learned treatises and articles in this case? 20 Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case? 21 A. No. 22 Do you have a list of learned treatises or publications that you intend to rely your opinions in this case? 23 A. No. 24 A. No. 25 Did you have a publication of page of the treatises or publications that you intend to rely your opinions in this case? 3					0.	
14 Q. You brought with you all records of payment in commection with this particular file, correct? 1 A. I brought with the invoices which were sent out. I expect they were paid, so it would be the same. 19 Q. If not, you should get a check before you leave. 21 A. ORAY. Thank you. 22 Q. Do you have any articles or publications that you brought with you? 23 you've written or contributed to that you you waster's thesis. 24 No. I haven't written anything except my master's thesis. 25 A. No. 26 A. I have not. 27 Q. ORAY. Ros anyone from Skogen Engineering been published on any type of issue related to accident reconstruction or vehicle dynamics? 29 Q. Did you bring with you any articles or learned treatises or textbooks that you intend to rely upon for your opinions in this case? 20 Q. Do you have a list of learned treatises or publications. That you ropinions in this case? 21 Q. Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case? 22 you pow have a list of learned treatises or publications. That you ropinions in this case? 23 your opinions in this case? 24 A. No. 25 A. No. 26 A. No. 27 Yes, sire. 28 A. No. 28 Page 63 29 Page 65 20 Do you intend to? 20 A. No. 21 Q. Did you provide Mr. Rottier or anyone in his in this case? 21 Q. Did you provide Mr. Rottier or anyone in his in this case? 22 your opinions that you intend to rely upon for your opinions in this case? 23 A. No. 24 A. No. 25 Yes, sire. 26 A. No. 27 Yes, sire. 28 A. No. 29 Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case? 20 Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case? 29 Yes, sire. 20 A. No. 20 Page 65 21 C. Contained the publications that you intend to rely upon for your opinions in this case? 21 A. No. 22 Page 65 23 Page 65 24 A. No. 25 Did you provide Mr. Rottier or anyone in his in this case? 26 A. No. 27 C. Contained the publications that you intend		Α.			χ.	
connection with this particular file, correct?  16 A. I brought with the invoices which were sent  17 out. I expect they were paid, so it would be  18 the same.  19 Q. If not, you should get a check before you  19 Leave.  20 Leave.  21 A. Okay. Thank you.  22 Q. Do you have any articles or publications that  23 you've written or contributed to that you  24 brought with you?  25 A. No.  26 A. No. I haven't written anything except my  38 master's thesis.  4 Q. Okay. You haven't been published in any sort  5 of trade journal or otherwise?  6 A. I have not.  7 Q. Okay. Has anyone from Skogen Engineering been  8 published on any type of issue related to  9 a cident reconstruction or vehicle dynamics?  10 A. Not of which I'm aware.  11 Q. Did you bring with you any articles or learned  12 treatises or textbooks that you intend to rely  13 upon for the opinions that you're going to  14 O. Did you provide Mr. Rottier or anyone in his  15 office a list of learned treatises and articles  16 A. No.  27 Do you have a publication list?  28 A. No.  29 Okay. You haven't been published in any sort  20 O to you have a publication list?  21 Description of the published in any sort  22 Description of the published on any type of issue related to  23 a content published on any type of issue related to  24 content that you intend to rely  25 publications that you're going to  26 of Did you bring with you any articles or learned  27 treatises or textbooks that you intend to rely  28 upon for the opinions that you're going to  29 Did you provide Mr. Rottier or anyone in his  29 Okay. No.  29 Did you provide Mr. Rottier or anyone in his  20 Okay. No.  21 Q. Do you have a list of learned treatises or  22 publications that you intend to rely upon for  23 your opinions in this case?  24 Q. No.  25 Did you bring with you  26 A. No.  27 Description  28 A. No.  29 Did you provide Mr. Rottier or anyone in his  29 Okay. No.  29 Did you provide Mr. Rottier or anyone in his  20 Okay. Rou have a publication land may sort  20 Did you have a publi				-	Α.	
16 A. I brought with the invoices which were sent out. I expect they were paid, so it would be the same.  18		χ.				
the same.  17 velocited they were paid, so it would be the same.  18 the same.  19 Q. If not, you should get a check before you leave.  20 leave.  21 A. Okay. Thank you.  22 Q. Do you have any articles or publications that you've written or contributed to that you  23 brought with you?  24 brought with you?  25 A. No.  26 Do you have a publications list?  2 A. No. I haven't written anything except my master's thesis.  3 Q. Do you have not published in any sort of trade journal or otherwise?  4 A. I have not.  5 Q. Okay. You haven't been published in any sort of trade journal or otherwise?  6 A. I have not.  7 Q. Okay. Was a sunce from Skogen Engineering been published on any type of issue related to saccident reconstruction or vehicle dynamics?  9 A. Not of which I'm aware.  10 Q. Did you bring with you any articles or learned to offer in this case?  11 Q. Did you bring with you any articles or learned to offer in this case?  12 A. No.  13 Q. Do you have a publications list?  4 A. Not of which I'm aware.  14 Page 63  1 D. Do you have a publications list?  2 A. No.  3 Q. Do you intend to?  4 A. Not unless somebody sends me something and asks me to. I have no intention of doing so.  4 MR. KRIVA: Off the record. How about a bathroom break?  5 MR. KRIVA: For my  7 younger-than-Dennis's kidneys?  10 A. Not of which I'm aware.  11 Q. Did you bring with you any articles or learned to rely upon for the opinions that you intend to rely  12 record at 10:12.  13 (Exhibit 37 marked for identification.)  14 (Exhibit 37 marked for identification.)  15 (Exhibit 37 marked for identification.)  16 (Exhibit 37 marked for identification.)  17 (Exhibit 37 marked for identification.)  18 (Exhibit 37 marked for identification.)  19 THE VIDBOGRAPHER: We are back on the record at 10:26 a.m.  19 MR. TAYLOR:  20 A. No.  21 Q. Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case?  22 P. Wr. Skogen, are you ready to proceed?  23 P. Wr. Skogen, are you ready to proceed?  24 Q.		Δ				
18  the same. 19  Q. If not, you should get a check before you 20  leave. 21  A. Okay. Thank you. 22  Q. Do you have any articles or publications that 23  you've written or contributed to that you 24		21.				
19 Q. If not, you should get a check before you leave. 20   Leave. 21 A. Okay. Thank you. 22 Q. Do you have any articles or publications that you've written or contributed to that you brought with you? 23   A. No. 24   Do you have any articles or publications that you've written or contributed to that you hrought with you? 25 A. No.  Page 63   Page 64   Page 65    Q. Do you have a publications list? 2 A. No. I haven't written anything except my master's thesis. 3   Okay. You haven't been published in any sort of trade journal or otherwise? 4 A. I have not. 5   Okay. You haven't been published in any sort of trade journal or otherwise? 5   Okay. Has anyone from Skogen Engineering been published on any type of issue related to accident reconstruction or vehicle dynamics? 4 Q. Okay. Has anyone from skogen Engineering been published on any type of issue related to accident reconstruction or vehicle dynamics? 4 No. To won the opinions that you intend to rely upon for the opinions that you intend to rely upon for the opinions that you intend to rely upon for the opinions that you intend to rely upon for the opinions that you office a list of learned treatises and articles that you intend to rely upon for your opinions that you opinions in this case?  A. No.  19 Q. Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case?  20 A. No. 21 Q. Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case?  22 Popur opinions in this case?  19 Q. Wr. Skogen, are you ready to proceed?  21 Q. Mr. Skogen, are you ready to proceed?  22 Q. Mr. Skogen, are you ready to proceed?  23 A. No.  24 Q. All right. I have marked the statement of						
20   Leave. 20   Leave. 20   You don't have to answer that. I'm just 21   A. Okay. Thank you. 21   A. I don't consider it an ad. I just consider 22   Q. Do you have any articles or publications that 23   you've written or contributed to that you 24   brought with you? 24   Q. Sure. Sure. 25   Did you review any documents produced  Page 63  1   Q. Do you have a publications list? 24   A. No. I haven't written anything except my 33   master's thesis. 34   A. No. I haven't been published in any sort of trade journal or otherwise? 55   MR. KRIVA: Off the record. How about 36   A. I have not. 36   A. I have not. 37   A. No. I haven't written anything except my 36   A. I have not. 37   A. No. I haven't been published in any sort of trade journal or otherwise? 39   MR. KRIVA: Off the record. How about 39   MR. KRIVA: Off the record. How about 30   MR. KRIVA: Off the record completely with that note? 31   MR. TAYLOR: How about 30   MR. TAYLOR: How about 30   MR. TAYLOR: How about 30   MR. KRIVA: Off the 30   MR. KRIVA: Off the 30   MR. KRIVA: Off the 30   MR. TAYLOR: How about 30   MR. TAYLOR: MR. MR. T		0			0	
21 A. Ckay. Thank you. 22 Q. Do you have any articles or publications that you're written or contributed to that you hrought with you? 23		٧.			۷.	
22 Q. Do you have any articles or publications that you've written or contributed to that you brought with you?  24 brought with you?  25 A. No.  26 Do you have a publications list?  27 A. No. I haven't written anything except my asster's thesis.  28 Q. Okay. You haven't been published in any sort of trade journal or otherwise?  29 A. I have not.  20 Q. Okay. Has anyone from Skogen Engineering been published on any type of issue related to a cident reconstruction or vehicle dynamics?  29 A. Not of which I'm aware.  20 Did you bring with you any articles or learned treatises or textbooks that you intend to rely upon for the opinions that you're going to find a list of learned treatises and articles that you intend to rely upon for your opinions in this case?  20 A. No.  21 Q. Do you have a list of learned treatises or publications that you intend to rely upon for so you pour opinions in this case?  22 People want to know who I am and my experience.  23 Sure. Sure.  24 Q. Sure. Sure.  25 Did you review any documents produced  Page 65  by Yokochama in this case?  A. No.  4 A. Not unless somebody sends me something and asks me to. I have no intention of doing so.  4 A. Not unless somebody sends me something and asks me to. I have no intention of doing so.  4 A. Not unless somebody sends me something and asks me to. I have no intention of doing so.  4 R. KRIVA: Off the record. How about a lathroom break?  4 B. Not of which I'm aware.  5 MR. KRIVA: For my younger-than-Dennis's kidneys?  6 A. No. TAYLOR: Sure. Absolutely.  8 Page 65  9 MR. KRIVA: How about we go off the record completely with that note?  10 Younger-than-Dennis's kidneys?  11 MR. TAYLOR: How about we go off the record at 10:26.  12 (Exhibit 37 marked for identification.)  13 (Exhibit 37 marked for identification.)  14 (Exhibit 37 marked for identification.)  15 (Exhibit 37 marked for identification.)  16 (D. Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case?  20 A. No.  21 Q. Do you have		Ζ			Δ	•
23 experience. 24 brought with you? 25 A. No.  Page 63  1 Q. Do you have a publications list? 2 A. No. I haven't written anything except my 3 master's thesis.  4 Q. Okay. You haven't been published in any sort of trade journal or otherwise? 5 of trade journal or otherwise? 6 A. I have not. 7 Q. Okay. Bas anyone from Skogen Engineering been published on any type of issue related to accident reconstruction or vehicle dynamics? 9 A. No. TAYLOR: Sure. Absolutely. 9 A. Not of which I'm aware. 10 Q. Did you bring with you any articles or learned treatises or textbooks that you intend to rely upon for the opinions that you're going to that you intend to rely upon for your opinions in this case? 14 A. No. 15 (A break was taken from 10:12 to 10:26.) 16 Q. Did you provide Mr. Rottier or anyone in his office a list of learned treatises or textbooks that you intend to rely upon for your opinions in this case? 2 A. No. 2 Q. Do you intend to proceed? 3 A. No. 2 (A break was taken from 10:12 to 10:26.) 2 (B. No. 3 Q. Do you intend to proceed? 4 A. Not unless somebody sends me something and asks me to. I have no intention of doing so. 4 A. Not unless somebody sends me something and asks me to. I have no intention of doing so.  MR. KRIVA: Off the record. How about a bathroom break?  MR. TAYLOR: Sure. Absolutely.  MR. TAYLOR: For my  younger-than-Dennis's kidneys?  11 Proceed at 10:12. 12 (A break was taken from 10:12 to 10:26.) 13 THE VIDEOGRAPHER: Going off the record at 10:26 a.m.  14 (Exhibit 37 marked for identification.) 15 (Exhibit 37 marked for record at 10:26 a.m.  16 Q. Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case? 2 Q. No. Wr. Skogen, are you ready to proceed? 2 A. No. 2 Q. A. No. 2 Q. A. No. 3 Q. Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case? 2 A. No. 3 Q. Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case? 3 A. Ye			-		n.	-
brought with you?  A. No.  Page 63  Q. Do you have a publications list?  A. No. I haven't written anything except my master's thesis.  Q. Okay. You haven't been published in any sort of trade journal or otherwise?  A. I have not.  Q. Okay. Has anyone from Skogen Engineering been published on any type of issue related to accident reconstruction or vehicle dynamics?  Q. Did you bring with you any articles or learned treatises or textbooks that you intend to rely upon for the opinions that you're going to  A. No.  Did you provide Mr. Rottier or anyone in his office a list of learned treatises and articles that you intend to rely upon for your opinions in this case?  A. No.  Did you have a publications list?  Day Yokohama in this case?  A. No. Not unless somebody sends me something and asks me to. I have no intention of doing so.  MR. KRIVA: Off the record. How about a bathroom break?  MR. TAYLOR: Sure. Absolutely.  MR. TAYLOR: Sure. Absolutely.  MR. TAYLOR: How about we go off the record completely with that note?  MR. TAYLOR: How about we go off the record at 10:12.  (Exhibit 37 marked for identification.)  THE VIDEOGRAPHER: We are back on the record at 10:26 a.m.  MR. TAYLOR:  MR. TAYLOR: We are back on the record at 10:26 a.m.  MR. TAYLOR: are a publication and asks me to. I have no intention of doing so.  MR. KRIVA: Off the record. How about a bathroom break?  MR. TAYLOR: Sure. Absolutely.  MR. TAYLOR: How about we go off the record at 10:12.  (Exhibit 37 marked for identification.)  THE VIDEOGRAPHER: We are back on the record at 10:26 a.m.  MR. TAYLOR:  MR. TAYLOR: Are a publications that you intend to rely upon for your opinions in this case?  A. No.  MR. TAYLOR: are a publication any articles or anyone in his office a list of learned treatises or your opinions in this case?  MR. TAYLOR: Are no intention of doing so.  MR. TAYLOR: Sure. Absolutely.  MR. TAYLOR: Office a list of learned treatises or in the publication and asks me to. I have no intention of doing so.  MR. TAYLOR: Grapher.  MR. TAYLOR: Office a		٧.				
Page 63  1 Q. Do you have a publications list? 2 A. No. I haven't written anything except my 3 master's thesis. 3 Q. Do you intend to? 4 Q. Okay. You haven't been published in any sort of trade journal or otherwise? 5 of trade journal or otherwise? 6 A. I have not. 7 Q. Okay. Has anyone from Skogen Engineering been published on any type of issue related to accident reconstruction or vehicle dynamics? 9 Not of which I'm aware. 10 Q. Did you bring with you any articles or learned treatises or textbooks that you intend to rely upon for the opinions that you're going to offer in this case? 14 C. Did you provide Mr. Rottier or anyone in his office a list of learned treatises and articles that you intend to rely upon for your opinions in this case? 10 Q. Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case? 2 Q. Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case? 2 Q. Do you have a list of learned treatises or your opinions in this case? 3 A. No. 4 A. No. 5 Did you provide Mr. Rottier or anyone in his office a list of learned treatises and articles that you intend to rely upon for your opinions in this case? 2 Q. Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case? 3 A. Yes, sir. 3 Q. Do you intend to case? 4 A. No. 5 Do you intend to? 4 A. Not unless somebody sends me something and asks me to. I have no intention of doing so. 6 A. No. MR. KRIVA: Off the record. How about a bathroom break?  9 MR. TAYLOR: Sure. Absolutely. 9 MR. TAYLOR: How about we go off the record at 10:12. 10 Younger-than-Dennis's kidneys? 11 Provide Mr. Rottier or anyone in his office a list of learned treatises and articles in this case? 11 Younger-than-Dennis's kidneys? 12 (Exhibit 37 marked for identification.) 13 (Exhibit 37 marked for identification.) 14 (Exhibit 37 marked for identification.) 15 (MR TAYLOR: Undendededededededededededededededededed					0	-
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20 A. No. 21 Q. Do you have a list of learned treatises or 22 publications that you intend to rely upon for 23 your opinions in this case? 24 A. No. 20 record at 10:26 a.m. 21 MR. TAYLOR: 22 Q. Mr. Skogen, are you ready to proceed? 23 A. Yes, sir. 24 Q. All right. I have marked the statement of	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Q. A.	No. I haven't written anything except my master's thesis.  Okay. You haven't been published in any sort of trade journal or otherwise?  I have not.  Okay. Has anyone from Skogen Engineering been published on any type of issue related to accident reconstruction or vehicle dynamics?  Not of which I'm aware.  Did you bring with you any articles or learned treatises or textbooks that you intend to rely upon for the opinions that you're going to offer in this case?  No.  Did you provide Mr. Rottier or anyone in his office a list of learned treatises and articles	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q.	No.  Do you intend to?  Not unless somebody sends me something and asks me to. I have no intention of doing so.  MR. KRIVA: Off the record. How about a bathroom break?  MR. TAYLOR: Sure. Absolutely.  MR. KRIVA: For my  younger-than-Dennis's kidneys?  MR. TAYLOR: How about we go off the record completely with that note?  THE VIDEOGRAPHER: Going off the record at 10:12.  (A break was taken from 10:12 to 10:26.)  (Exhibit 37 marked for
21 Q. Do you have a list of learned treatises or 22 publications that you intend to rely upon for 23 your opinions in this case? 24 A. No. 26 No. 27 MR. TAYLOR: 28 Q. Mr. Skogen, are you ready to proceed? 29 A. Yes, sir. 20 Q. All right. I have marked the statement of	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A.	No. I haven't written anything except my master's thesis.  Okay. You haven't been published in any sort of trade journal or otherwise?  I have not.  Okay. Has anyone from Skogen Engineering been published on any type of issue related to accident reconstruction or vehicle dynamics?  Not of which I'm aware.  Did you bring with you any articles or learned treatises or textbooks that you intend to rely upon for the opinions that you're going to offer in this case?  No.  Did you provide Mr. Rottier or anyone in his office a list of learned treatises and articles that you intend to rely upon for your opinions	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q.	No.  Do you intend to?  Not unless somebody sends me something and asks me to. I have no intention of doing so.  MR. KRIVA: Off the record. How about a bathroom break?  MR. TAYLOR: Sure. Absolutely.  MR. KRIVA: For my  younger-than-Dennis's kidneys?  MR. TAYLOR: How about we go off the record completely with that note?  THE VIDEOGRAPHER: Going off the record at 10:12.  (A break was taken from 10:12 to 10:26.)  (Exhibit 37 marked for identification.)
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23 X. 2002 John Company to any advertising, sit:	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q.	No. I haven't written anything except my master's thesis.  Okay. You haven't been published in any sort of trade journal or otherwise?  I have not.  Okay. Has anyone from Skogen Engineering been published on any type of issue related to accident reconstruction or vehicle dynamics?  Not of which I'm aware.  Did you bring with you any articles or learned treatises or textbooks that you intend to rely upon for the opinions that you're going to offer in this case?  No.  Did you provide Mr. Rottier or anyone in his office a list of learned treatises and articles that you intend to rely upon for your opinions in this case?  No.  Do you have a list of learned treatises or publications that you intend to rely upon for your opinions in this case?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A.	No.  Do you intend to?  Not unless somebody sends me something and asks me to. I have no intention of doing so.  MR. KRIVA: Off the record. How about a bathroom break?  MR. TAYLOR: Sure. Absolutely.  MR. KRIVA: For my  younger-than-Dennis's kidneys?  MR. TAYLOR: How about we go off the record completely with that note?  THE VIDEOGRAPHER: Going off the record at 10:12.  (A break was taken from 10:12 to 10:26.)  (Exhibit 37 marked for identification.)  THE VIDEOGRAPHER: We are back on the record at 10:26 a.m.  MR. TAYLOR:  Mr. Skogen, are you ready to proceed?  Yes, sir.
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		Page 66			Page 68
1		okay?	1	Q.	Okay. If you had had an opportunity to inspect
2	A.	Yes, sir.	2		the subject vehicle, one of the things that you
3	Q.	And that's the exhibit that you received	3		could have inspected would have been the
4		apparently on September 19th, 2016?	4		steering mechanism or system in the vehicle,
5	A.	Yes.	5		right?
6	Q.	And if you look at the beginning here, it looks	6	A.	There's a possibility.
7		like the statement was actually taken on	7	Q.	Well, if you'd have been to inspect it, it
8		February 22nd, 2016, is that right?	8		would have been there, right?
9	A.	Yes.	9	A.	Yes.
10	٥.	Did you or anyone else from Skogen Engineering	10	Q.	It would have had a steering system?
11	~	have an opportunity to inspect the vehicle	11	Α.	Yes.
12		being driven by Mr. Below on the date of the	12	٥.	Okay. Is that something that you would have
13		accident?	13	~	inspected had you inspected the vehicle?
14	A.	We did not inspect the vehicle, nor the	14	Α.	Probably not.
15		trailer, nor any of the contents.	15	Q.	Why not?
16	Q.	You already answered my next question. You did	16	Α.	Because I didn't understand there was any
17	×.	not get an opportunity to inspect the trailer	17	11.	alleged problem with the steering. From what I
18		either, is that right?	18		understood, and the officer's deposition
19	Α.	We did not do so, you are correct.	19		confirmed and witnesses confirmed, it was a
20		• •	20		·
21	Q.	Did you have an opportunity to inspect either of the all-terrain vehicles or ATVs that were	21		blowout of the right rear tire. I didn't understand that there was a defect in the
1					
22		being pulled on the trailer on the date of the	22		steering system or the brake system or any
23		accident?	23		other system that caused the vehicle to go out
24	Α.	We did not inspect them.	24		of control.
25	Q.	Would you agree with me that it's possible that	25	Q.	But by the time you issued your report, you had
		Page 67			Page 69
1		if you had had an opportunity to inspect the	1		not received the eyewitness statement,
2		vehicle, you might have additional opinions	2		correct?
3		that you could offer in this case?	3	Α.	I had not.
4	Α.	That's possible.	4	Q.	And you hadn't received the trooper's
5		MR. ROGERS: Object to form. Go	5		deposition yet, had you?
6		ahead.	6	Α.	No. But I had the police report, and the
7	A.	Yes.	7		statements were contained therein.
8		MR. TAYLOR:	8	Q.	Well, there were some preliminary statements
9	Q.	If you had been able to inspect the subject	9		contained therein, correct?
10		vehicle Strike that. What was the vehicle	10	A.	Correct.
11		that Mr. Below was driving that day?	11	Q.	Not the long statement that we just marked as
12	A.	It was I can tell you exactly here. I'll	12		Exhibit 37, right?
13		reference my report that we marked as	13	A.	You are right.
14		Exhibit	14	Q.	And so let me see if I got this straight. Even
15	Q.	Exhibit 26?	15		if you had been given an opportunity to inspect
16	A.	26. And I have my model vehicle data sheet	16		the vehicle, you wouldn't have inspected the
17		also. It was a 2005 GMC K2500 extended-cab	17		steering system?
18		pickup.	18	A.	Some part, but not the entire steering system,
19	Q.	If I refer to that vehicle as the subject	19		no, I would not have.
20		vehicle, is that okay with you?	20	Q.	Would you agree with me, sir, that a loose or
21	A.	That's fine with me.	21		worn steering connection can affect vehicle
22	Q.	Do you understand what I mean when I say	22		handling?
23		subject vehicle?	23	A.	Depends which connection you're talking about,
24	A.	Yes. I understand that's the only vehicle	24		but it's possible, yes.
25		involved. Yes, I do.	25	Q.	If you had had an opportunity to inspect the
1					

		Page 70			Page 72
1		vehicle, you could have inspected the braking	1		the police photographs, and there are
2		system, is that correct?	2		photographs taken of the vehicle at the scene,
3	A.	Yes.	3		and we could study those and perhaps have some
4	Q.	If you had had an opportunity to inspect the	4		information about the condition of those tires.
5		vehicle, you could have inspected any	5		But I have not done so to date.
6		modifications or after-market things that had	6	Q.	Other than looking at the police photographs,
7		been done to the vehicle, is that correct?	7	~	do you have any other means of determining the
l	A.	If there had been any, yes, I could have. It's	8		condition of the tires that were on the
9		a possibility again.	9		vehicle other than the subject tire after
10	Q.	Are you aware of any after-market modifications	10		the accident?
11	χ.	that had been done to the subject vehicle?	11	Α.	Not of which I'm aware, no.
12	Α.	I'm aware there was a camper insert that the	12	0.	Do you agree that tire wear can be an indicator
13	11.	original vehicle probably didn't come with.	13	χ.	of tire pressure, balance or alignment?
14	Q.	Uh-huh. Anything else?	14	Α.	I have to qualify.
l	<b>Α.</b>	No.	15	0.	Sure.
16	Q.	For purposes of your analysis, did you assume	16	<b>Δ.</b>	You mean accelerated tire wear, or uneven tire
17	v.	everything else on the vehicle was original	17	А.	wear?
18		equipment?	18	0	Sure.
1	7\			Q.	Tire wear, even if you you have perfect
1	Α.	Generally, yes, I did.	19	A.	
20	Q.	If you had been afforded an opportunity to	20		inflation and perfect alignment, perfect
21		inspect the subject vehicle, you could have	21		loading, everything else, you're going to have
22		inspected the suspension system, is that	22	_	tire wear.
23	_	right?	23	Q.	Absolutely.
1	Α.	Yes.	24	A.	So if I'm understanding your question, you're
25	Q.	Do you agree that a worn or loose Strike	25		talking about abnormal tire wear.
		Page 71			Page 73
1		that. Do you agree that there are portions of	1	Q.	Well, not so much abnormal tire wear. Just in
2		the suspension system that could be worn or	2		terms of how a tire is wearing can be
3		loose that could affect a vehicle's handling or	3		indicative, for instance, of a tire being run
4		stability?	4		underinflated or overinflated, correct?
1	A.	Yes.	5	Α.	Yes.
6		MR. ROGERS: Object to the form. Go	6	Q.	You have that general understanding of tire
7		ahead.	7		wear?
8	A.	As a possibility, yes, I do agree.	8	A.	Yes.
9		MR. TAYLOR:	9	Q.	And tire wear can be indicative of some type of
10	Q.	You did not have an opportunity to inspect the	10		misalignment that may be going on with a
11		companion tires or the other tires on the	11		vehicle, correct?
12		vehicle, is that right?	12	A.	Yes. Toe in or camber, yes.
13	A.	If you're asking me personally, no, I did	13	Q.	Absolutely.
14		not.	14		THE COURT REPORTER: Excuse me?
15	Q.	Did anybody that you're aware of?	15	A.	Toe in and camber.
16	A.	$\ensuremath{\mbox{I'm}}$ $\ensuremath{\mbox{I'm}}$ not aware of anyone from our office	16		MR. TAYLOR:
17		doing so.	17	Q.	Would you agree with me that a vehicle that is
18	Q.	Do you have any information with regard to the	18		misaligned to the point that its tires are
19		other three tires that were on the vehicle as	19		wearing unevenly may also be a vehicle whose
20		to their size?	20		handling and stability are affected by that
21	A.	No. Not readily available, no, I do not.	21		misalignment?
		Do you have any information about the other	22		MR. ROGERS: Object to the form. Go
22	Q.		۱		, ,
1	Q.	three tires that were on the vehicle as to	23		ahead.
22	Q.	three tires that were on the vehicle as to their condition prior to the accident?	23	Α.	anead. There's a possibility, yes, I agree.
22 23	<b>Q.</b> A.			Α.	

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Page 74
                                                                                                              Page 76
         Do you agree that tire size or fitment can also
                                                                      towed.
 1
    0.
                                                             1
2
          affect vehicle handling?
                                                             2
                                                                               There are many variables there. Would
3
                                                             3
                                                                      not necessarily be dynamic instability, but
    Α.
 4
    Q.
         Had you been unable to -- Strike that. Had you
                                                                      dynamic instability could occur.
 5
          been able to inspect the vehicle, you would
                                                             5
                                                                      Was there a difference between dynamic
                                                                      instability and divergent instability?
                                                             6
 6
          have been able to investigate the condition and
 7
          fitment of the pickup's ball hitch and trailer
                                                             7
                                                                      I'm not familiar with the term divergent
 8
          coupler, is that right?
                                                             8
                                                                      instability.
9
         Yes. I could have done that as a
                                                             9
                                                                      Okay. Some of the things that you mentioned
    Α.
10
          possibility.
                                                            10
                                                                      that this instability can be caused from are a
                                                            11
11
         You agree that an improper connection between
                                                                      vehicle that's too small to be pulling what
    Q.
12
          the pickup and trailer could degrade vehicle
                                                            12
                                                                      it's pulling, correct?
13
                                                            13
          handling?
                                                                      Correct.
                                                                Α.
14
    Α.
          I don't envision how that would, so I'd say
                                                            14
                                                                      A trailer that's too small to be hauling what
15
          it's a possibility, but I don't see how it's
                                                            15
                                                                      it's hauling; is that an accurate way --
                                                                      Well, I've had two actually. I've had a
16
          going to be likely.
                                                            16
17
    Q.
         Okay. Well, let's investigate that a little
                                                            17
                                                                      trailer that was so small and had a large
18
          bit further. Do you understand or know about
                                                            18
                                                                      tractor on it. So I suppose that could be.
19
          the concept of dynamic oscillation?
                                                            19
                                                                               It's usually the trailer is too large
20
                                                            20
                                                                      for the vehicle doing the towing.
    A.
          Yes.
                                                                      Gotcha. Okay.
21
    Q.
         What is that?
                                                            21
                                                                Q.
22
          Well, it can be used in a number of terms.
                                                            22
                                                                               And then what about the braking
    Α.
23
         With regard to a trailer?
                                                            23
                                                                      condition; that could be a vehicle condition or
    0.
24
          If you're talking about with regard to a
                                                            24
                                                                      a trailer condition?
    Α.
25
          vehicle being pulled -- pulling a trailer and
                                                                A.
                                                                      Correct.
                                                                                                              Page 77
                                                 Page 75
                                                                      Did the trailer in this particular case have
1
          some -- and I have analyzed cases with some
                                                             1
                                                                Q.
 2
                                                             2
                                                                      brakes on it?
          improper loading, overloading, insufficient
 3
          trailer hitch download, you can get a
                                                             3
                                                                 Α.
 4
          situation -- or when wind or trailers driven by
                                                                      And I noticed in one of your files there that
                                                                 ٥.
 5
          semis go by, that the trailer can start to go
                                                             5
                                                                      you included a printout with regard to a
          back and forth relative to the vehicle ahead of
 6
                                                             6
                                                                      certain trailer, it's your vehicle
 7
          it or doing the towing. That would be a
                                                             7
                                                                      specifications folder, and we can mark this --
 8
          dynamic. It's in motion.
                                                                      well, we can mark this entire folder as
9
                   And the scientific term would be some
                                                             9
                                                                      Exhibit 38 just to put it on the record.
10
          oscillation, movement side to side.
                                                            10
                                                                               (Exhibit 38 marked for
11
         Is that a result of dynamic instability?
                                                            11
                                                                      identification.)
    Q.
                                                                      Within Exhibit 38, there's SKO080, which is the
                                                                Q.
12
         Well, that's a bigger general term.
                                                            12
    Α.
13
    0.
         Of the truck?
                                                            13
                                                                      Trailerman 2015 76-by-10 utility trailer with
                                                            14
14
         As a result, it can be a result of many
                                                                      gate, is that right?
15
          different things that I've seen over the years,
                                                            15
16
          and if you want to go into those we can, but it
                                                            16
                                                                      Is that your understanding that that was the
17
                                                            17
                                                                      trailer that was involved in this accident?
          happens when the towing vehicle is too small,
18
          the vehicle being towed is too large.
                                                            18
                                                                 Α.
                                                                      Or similar trailer, yes. I can't say it's the
19
    Q.
         Uh-huh.
                                                            19
                                                                      exact same trailer.
20
          It can happen if there's an insufficient tongue
                                                            20
                                                                      By what means did you come up with the
21
          weight or too much tongue weight. It can
                                                            21
                                                                      information that this was the -- a similar
22
          happen based upon the conditions of the roadway
                                                            22
                                                                      trailer to what was being used that day?
23
          surface, slippery roadway surface. It can
                                                                      I didn't come up with the information. That's
                                                            23
                                                                Α.
24
          happen based upon the braking condition of not
                                                            24
                                                                      Mr. Peterson or Mr. Zuelhke. I didn't make
25
          only the towing vehicle but the vehicle being
                                                            25
                                                                      that analysis.
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		D			5
1	Q.	Page 78  Did anyone from your office ever inspect the	1		Page 80 tire and inside of the fenders?
2	χ.	trailer that was involved in this accident?	2	Q.	No, sir.
3	Α.	Nope.	3	<b>Α.</b>	Possible.
4	Q.	Do you know what information they were using to	4	Q.	You could have, I'm assuming, right?
5	Q.	base the assessment that this particular	5	Q. A.	Yes.
6		Trailerman trailer was a similar trailer to	6		
1				Q.	But really what I was talking about is, had you
7		what was being pulled the day of the	7		been able to do that, you could have seen if
8		accident?	8		there was any interaction between the
9	Α.	The police photographs show showing the	9		separating tread and top belt from the subject
10		trailer, and then comparing it to what is shown	10		tire and the wheel well or other vehicle
11		on SK0080, mainly to have measurements to show	11		components?
12		the trailer and pickup truck on the diagram.	12	Α.	I understand. Yes.
13	Q.	Anything else?	13	Q.	And do you have an understanding as to why that
14	Α.	No.	14		would be important in a tire failure case?
15	Q.	Do you know how the ATVs were configured on the	15	Α.	No, I don't.
16		trailer on the date of the accident?	16	Q.	Had you been able to inspect the vehicle, one
17	A.	I have an understanding that they were both	17		of the things you could have inspected was the
18		loaded one forward and one rearward, one	18		brake light filaments, is that right?
19		perpendicular to the other. But I didn't see	19	A.	Yes.
20		them the way they were loaded before the	20	Q.	And do you agree that the brake light filaments
21		accident.	21		could offer further evidence of the driver's
22	Q.	How did you come to that understanding?	22		braking inputs during this accident?
23	A.	From reviewing the police photographs, if I	23	A.	In this case, probably not.
24		recall properly, and then there was some	24	Q.	Why do you hold that opinion?
25		indication about the size of the ATVs and the	25	A.	Because the deceleration rate isn't sufficient
		Page 79			Page 81
1		size of the trailer. I would say that was my	1		_
1		Sile of one ordinary in would but one my	-		to cause filament deformation, if the filaments
2		preliminary determination.	2		to cause filament deformation, if the filaments are hot, and also taillight filaments many
2 3	Q.				
l	Q.	preliminary determination.	2	Q.	are hot, and also taillight filaments many
3	Q.	preliminary determination.  There's a file folder that we marked as the	2 3	<b>Q.</b> A.	are hot, and also taillight filaments many times have cold deformation.
3 4	Q.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police	2 3 <b>4</b>		are hot, and also taillight filaments many times have cold deformation.  Cold deformation?
3 4 5	Q.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those	2 3 <b>4</b> 5	Α.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.
3 4 5 6	Q.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion	2 3 <b>4</b> 5 6		are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would
3 4 5 6 7 8	Q.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the	2 3 4 5 6 7 8	Α.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have
3 4 5 6 7 8		preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.	2 3 4 5 6 7 8 9	A. Q.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?
3 4 5 6 7 8 9	Q. A.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but	2 3 4 5 6 7 8 9	Α.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer
3 4 5 6 7 8 9 10		preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general	2 3 4 5 6 7 8 9 10	A. Q.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I
3 4 5 6 7 8 9 10 11 12		preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I	2 3 4 5 6 7 8 9 10 11 12	A. Q. A.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.
3 4 5 6 7 8 9 10 11 12 13		preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by	2 3 4 5 6 7 8 9 10 11 12 13	A. Q.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject
3 4 5 6 7 8 9 10 11 12 13		preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by side.	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject vehicle, you could have looked for any
3 4 5 6 7 8 9 10 11 12 13 14 15		preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by side.  So it's my opinion that one was	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Q. A.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject vehicle, you could have looked for any preexisting damage to the vehicle, right?
3 4 5 6 7 8 9 10 11 12 13 14 15 16	Α.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by side.  So it's my opinion that one was probably perpendicular to the other.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject vehicle, you could have looked for any preexisting damage to the vehicle, right?  Yes.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17		preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by side.  So it's my opinion that one was probably perpendicular to the other.  Okay. Had you been able to actually inspect	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject vehicle, you could have looked for any preexisting damage to the vehicle, right?  Yes.  Had you been able to inspect the subject
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Α.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by side.  So it's my opinion that one was probably perpendicular to the other.  Okay. Had you been able to actually inspect the subject vehicle, you would have been able	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject vehicle, you could have looked for any preexisting damage to the vehicle, right?  Yes.  Had you been able to inspect the subject vehicle, you might have been able to download
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Α.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by side.  So it's my opinion that one was probably perpendicular to the other.  Okay. Had you been able to actually inspect the subject vehicle, you would have been able to investigate the interaction between the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject vehicle, you could have looked for any preexisting damage to the vehicle, right?  Yes.  Had you been able to inspect the subject vehicle, you might have been able to download the EDR data from the pickup truck, right?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Α.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by side.  So it's my opinion that one was probably perpendicular to the other.  Okay. Had you been able to actually inspect the subject vehicle, you would have been able to investigate the interaction between the tire's tread and the wheel well or other	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q. A.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject vehicle, you could have looked for any preexisting damage to the vehicle, right?  Yes.  Had you been able to inspect the subject vehicle, you might have been able to download the EDR data from the pickup truck, right?  Yes.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by side.  So it's my opinion that one was probably perpendicular to the other.  Okay. Had you been able to actually inspect the subject vehicle, you would have been able to investigate the interaction between the tire's tread and the wheel well or other vehicle components, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject vehicle, you could have looked for any preexisting damage to the vehicle, right?  Yes.  Had you been able to inspect the subject vehicle, you might have been able to download the EDR data from the pickup truck, right?  Yes.  And you're aware that GMC was capable of
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. A.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by side.  So it's my opinion that one was probably perpendicular to the other.  Okay. Had you been able to actually inspect the subject vehicle, you would have been able to investigate the interaction between the tire's tread and the wheel well or other vehicle components, correct?  The tire tread and the wheel well?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject vehicle, you could have looked for any preexisting damage to the vehicle, right?  Yes.  Had you been able to inspect the subject vehicle, you might have been able to download the EDR data from the pickup truck, right?  Yes.  And you're aware that GMC was capable of storing accident data, including vehicle speed
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by side.  So it's my opinion that one was probably perpendicular to the other.  Okay. Had you been able to actually inspect the subject vehicle, you would have been able to investigate the interaction between the tire's tread and the wheel well or other vehicle components, correct?  The tire tread and the wheel well?  Yes, sir.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject vehicle, you could have looked for any preexisting damage to the vehicle, right?  Yes.  Had you been able to inspect the subject vehicle, you might have been able to download the EDR data from the pickup truck, right?  Yes.  And you're aware that GMC was capable of storing accident data, including vehicle speed and seat belt status, right?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. A.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by side.  So it's my opinion that one was probably perpendicular to the other.  Okay. Had you been able to actually inspect the subject vehicle, you would have been able to investigate the interaction between the tire's tread and the wheel well or other vehicle components, correct?  The tire tread and the wheel well?  Yes, sir.  You're talking about could I have measured the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Q. A. Q. A.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject vehicle, you could have looked for any preexisting damage to the vehicle, right?  Yes.  Had you been able to inspect the subject vehicle, you might have been able to download the EDR data from the pickup truck, right?  Yes.  And you're aware that GMC was capable of storing accident data, including vehicle speed and seat belt status, right?  I'm not sure in 2005 they had speed as a direct
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q.	preliminary determination.  There's a file folder that we marked as the police with the police report and the police photographs. I was just wondering if you could look at those for me and tell me which of those pictures might have led you to the conclusion that the ATVs were loaded in that manner on the date of the accident.  Well, first of all, we didn't mark it, but SKO13 and 14 shows the trailer and its general configuration, shows the ATVs out of it, and I could see that two ATVs wouldn't fight side by side.  So it's my opinion that one was probably perpendicular to the other.  Okay. Had you been able to actually inspect the subject vehicle, you would have been able to investigate the interaction between the tire's tread and the wheel well or other vehicle components, correct?  The tire tread and the wheel well?  Yes, sir.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q.	are hot, and also taillight filaments many times have cold deformation.  Cold deformation?  Yes. The filaments, as they get older, they tend to sag.  So inspecting the brake light filaments would not have been something that you would have wanted to do on the vehicle?  Well, I would have wanted to do it to answer your question, but I wouldn't have done it if I had been inspecting the vehicle.  Had you been able to inspect the subject vehicle, you could have looked for any preexisting damage to the vehicle, right?  Yes.  Had you been able to inspect the subject vehicle, you might have been able to download the EDR data from the pickup truck, right?  Yes.  And you're aware that GMC was capable of storing accident data, including vehicle speed and seat belt status, right?

		D			D 041
1		Page 82 input or as output.	1		Page 84 camper is higher than the center of gravity
2	Q.	Had you been able to investigate or inspect the	2		of the truck without the camper, so you'd
3	~	subject vehicle, you could have looked at the	3		raise the center of gravity of the truck
4		scratch patterns on it, correct?	4		somewhat.
5	A.	Yes.	5	Q.	Does a raised center of gravity increase a
6	٥.	And the scratch patterns can be indicative of	6	~	vehicle's propensity to roll over?
7	_	the number of rolls and the angle of those	7	A.	All things being equal, yes.
8		rolls, is that correct?	8	Q.	Did you do any analysis of how the axle weights
9	Α.	Yes.	9		on the truck were altered due to the hitch
10	Q.	And you think there were two and a half rolls	10		weight?
11		in this accident?	11	A.	Altered from what?
12	A.	That's my opinion, yes.	12	Q.	Curb weight?
13	Q.	Okay. And passenger leading?	13	A.	Okay. No. I haven't studied the loading on
14	A.	Yes.	14		each of the axles of the truck, nor on the
15	Q.	Other than the information you've already	15		trailer.
16		talked about with regard to Exhibit 38, do you	16	Q.	Did you develop any sort of opinion as to
17		know the actual size of the subject trailer, or	17		Strike that. Do you know what the vehicle's
18		its dimensions?	18		gross vehicle weight rating was?
19	A.	No. I didn't inspect and measure the accident	19	A.	From the serial number, and that's on SKO079
20		trailer.	20		contained in Exhibit 38, the letter H in the
21	Q.	Did you make any assumptions as to how much	21		serial number indicates 9,001 pounds to 10,000
22		that trailer weighed?	22		pounds GVWR. So that's the gross vehicle
23	A.	No.	23		weight rating.
24	Q.	No assumptions on how much it weighed?	24	Q.	So 9,000 to 10,000?
25	A.	Correct.	25	A.	Correct.
1					
-		Page 83			Page 85
1	Q.	Page 83  Did you make any sort of determination as to	1	Q.	Page 85  Is there a gross axle weight rating in there?
1 2	Q.	_	<b>1</b> 2	Q. A.	•
1	Q.	Did you make any sort of determination as to			Is there a gross axle weight rating in there?
2	Q. A.	Did you make any sort of determination as to how much the ATVs that were being hauled that	2	Α.	Is there a gross axle weight rating in there?  Not that I see, no.
2 3	-	Did you make any sort of determination as to how much the ATVs that were being hauled that day weighed?	2 3	Α.	Is there a gross axle weight rating in there?  Not that I see, no.  Do you know what the gross axle weight rating
2 3 4	Α.	Did you make any sort of determination as to how much the ATVs that were being hauled that day weighed?  No.	2 3 4	Α.	Is there a gross axle weight rating in there?  Not that I see, no.  Do you know what the gross axle weight rating was for each of the axles on this particular
2 3 4 5 6 7	Α.	Did you make any sort of determination as to how much the ATVs that were being hauled that day weighed?  No.  Did you do any analysis to determine how much	2 3 4 5 6 7	A. Q.	Is there a gross axle weight rating in there?  Not that I see, no.  Do you know what the gross axle weight rating was for each of the axles on this particular vehicle?  Contained on Exhibit or in Exhibit 38, make reference to Expert AutoStats, SKOO81, it says
2 3 4 5 6 7 8	Α.	Did you make any sort of determination as to how much the ATVs that were being hauled that day weighed?  No.  Did you do any analysis to determine how much the cooler that was being hauled in the trailer may have weighed that day?  No.	2 3 4 5 6 7 8	A. Q.	Is there a gross axle weight rating in there?  Not that I see, no.  Do you know what the gross axle weight rating was for each of the axles on this particular vehicle?  Contained on Exhibit or in Exhibit 38, make reference to Expert AutoStats, SKOO81, it says that the gives a curb weight at 5,485, and
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A.	Did you make any sort of determination as to how much the ATVs that were being hauled that day weighed?  No.  Did you do any analysis to determine how much the cooler that was being hauled in the trailer may have weighed that day?  No.  Did you do any sort of analysis of how much weight the loaded trailer would have imparted to the pickup's hitch?  No.  Did you do any determination as to how much the camper weighed?  No.  Did you make any determination as to how the camper would have affected the center of gravity of the vehicle?  I didn't study it, but I have an opinion.  What's that opinion?  It would raise the center of gravity of the truck as a total assembly.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. A.	Is there a gross axle weight rating in there? Not that I see, no.  Do you know what the gross axle weight rating was for each of the axles on this particular vehicle?  Contained on Exhibit or in Exhibit 38, make reference to Expert AutoStats, SKOO81, it says that the gives a curb weight at 5,485, and it gives a gross vehicle weight of 9,200, and it talks about a curb weight distribution of 60 percent on the front axle, and 40 percent on the rear axle. So one would have to do the multiplication to get the axle load.  So the rear axle gross axle weight rating would be 40 percent of 9,200?  No. That's the curb weight distribution. It doesn't say rating per se in any of the documents that I have.  Okay. So can you tell us again what the gross axle weight rating was for the rear or the front axle on this vehicle?  No.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A.	Did you make any sort of determination as to how much the ATVs that were being hauled that day weighed?  No.  Did you do any analysis to determine how much the cooler that was being hauled in the trailer may have weighed that day?  No.  Did you do any sort of analysis of how much weight the loaded trailer would have imparted to the pickup's hitch?  No.  Did you do any determination as to how much the camper weighed?  No.  Did you make any determination as to how the camper would have affected the center of gravity of the vehicle?  I didn't study it, but I have an opinion.  What's that opinion?  It would raise the center of gravity of the truck as a total assembly.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. A.	Is there a gross axle weight rating in there? Not that I see, no.  Do you know what the gross axle weight rating was for each of the axles on this particular vehicle?  Contained on Exhibit or in Exhibit 38, make reference to Expert AutoStats, SKOO81, it says that the gives a curb weight at 5,485, and it gives a gross vehicle weight of 9,200, and it talks about a curb weight distribution of 60 percent on the front axle, and 40 percent on the rear axle. So one would have to do the multiplication to get the axle load.  So the rear axle gross axle weight rating would be 40 percent of 9,200?  No. That's the curb weight distribution. It doesn't say rating per se in any of the documents that I have.  Okay. So can you tell us again what the gross axle weight rating was for the rear or the front axle on this vehicle?  No.

		Page 86			Page 88
1	A.	Yes.	1	Α.	No.
2	Q.	And it looks like that you come up with 64	2	Q.	Let's go back to the camper trailer for just a
3		inches for the front and 65 inches for the	3		minute.
4		rear, is that correct?	4	A.	Excuse me. It wasn't a camper trailer. It was
5	A.	Correct.	5		a camper insert on the pickup and then a
6	Q.	Do you believe that a vehicle's track widths	6		trailer on the back.
7		are important to analyzing its lateral	7	Q.	Fair enough.
8		acceleration capabilities?	8	Α.	And I'm sure you know the difference, but
9	A.	It could be one of the factors of many factors	9		probably misspoke.
10		involved.	10	Q.	I did misspeak. Sorry.
11	٥.	Was there any other reason why the track width	11	_	This vehicle was hauling a trailer
12	-	of the vehicle was important for your analysis?	12		that had two ATVs on it, correct?
13	Α.	It wasn't important for my analysis, but we	13	Α.	Yes.
14		used the specifications to make the model truck	14	Q.	In addition to that, it had a pop-up camper
15		for the drawing.	15	~	in the bed of the pickup slid in there,
16	Q.	Well, could the vehicle's track width have a	16		correct?
17	~	bearing on how the vehicle might respond to a	17	Α.	A camper insert, yes.
18		tire disablement?	18	٥.	Do you know what was contained inside that
19	Α.	In theory. It's possible, I expect.	19	χ.	camper insert?
20	0.	Have you done any sort of analysis of the	20	Α.	I understood some testimony by the passenger
21	χ.	literature and testing related to tire failures	21	71.	that there were supplies for them going and
22		and how they affect vehicle handling?	22		staying overnight, but I don't know the details
23	Α.	For purposes of this case, I saw	23		of what those contents were.
24		Mr. Beauchamp's report, and he had a number of	24	Q.	Sure. And he testified that he didn't actually
25		articles. I independently for purposes of this	25	χ.	help load it, correct?
		arototos. I maspanantar rot purposes of amb			
1		Page 87 case made no such study.	1	Α.	Page 89 Correct.
2		The topic has arisen in prior cases,	2	Q.	So he wasn't exactly familiar with what was in
3		THE COPIC HAS ALISED IN PLIOT CASES,		v.	
٦		however but I don't remember the context	2		
4		however, but I don't remember the context,	3	Δ.	the camper, correct?
4		whether I was most of the time I reconstruct	4	Α.	the camper, correct? Correct.
5		whether I was most of the time I reconstruct the accident. Other people talk about the	4 5	A. Q.	the camper, correct?  Correct.  Do you intend to offer any opinions in this
5 6	0	whether I was most of the time I reconstruct the accident. Other people talk about the tires.	4 5 6		the camper, correct?  Correct.  Do you intend to offer any opinions in this case with regard to how much load there was on
5 6 <b>7</b>	Q.	whether I was most of the time I reconstruct the accident. Other people talk about the tires. Okay. And I guess this is sort of where we'll	4 5 6 7		the camper, correct?  Correct.  Do you intend to offer any opinions in this case with regard to how much load there was on the axles of this vehicle at the time of the
5 6 <b>7</b> <b>8</b>	Q.	whether I was most of the time I reconstruct the accident. Other people talk about the tires. Okay. And I guess this is sort of where we'll get down to brass tacks here in your testimony.	4 5 6 7 8	Q.	the camper, correct?  Correct.  Do you intend to offer any opinions in this case with regard to how much load there was on the axles of this vehicle at the time of the accident?
5 6 <b>7</b> <b>8</b> <b>9</b>	Q.	whether I was most of the time I reconstruct the accident. Other people talk about the tires. Okay. And I guess this is sort of where we'll get down to brass tacks here in your testimony. Do you intend to offer opinions as to how and	4 5 6 7 8 9		the camper, correct?  Correct.  Do you intend to offer any opinions in this case with regard to how much load there was on the axles of this vehicle at the time of the accident?  Not without further information, no, I do
5 6 7 8 9	Q.	whether I was most of the time I reconstruct the accident. Other people talk about the tires. Okay. And I guess this is sort of where we'll get down to brass tacks here in your testimony. Do you intend to offer opinions as to how and why the vehicle moved in the manner in which it	4 5 6 7 8 9 10	Q. A.	the camper, correct?  Correct.  Do you intend to offer any opinions in this case with regard to how much load there was on the axles of this vehicle at the time of the accident?  Not without further information, no, I do not.
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		D 00			D 001
1	A.	Page 90 Yes. Well, Mr. Peterson did, but I also did,	1		Page 92 original equipment, and I don't want to
2		and if you look at the inspection notes	2		misquote you, but do you recall me asking you
3		contained in Exhibit 35, you'll find SKO143	3		those questions?
4		which are my notes of September 22nd, 2015 when	4	A.	I do. And I indicated that certainly the
5		I inspected the subject tire.	5		trailer and certainly the camper were not
6	Q.	What date was that?	6		original equipment.
7	Α.	September 22nd, 2015.	7	Q.	Sure. Were the wheels that were inspected by
8	Q.	Did you just inspect it that one time?	8	-	your office original General Motors equipment
9	Α.	It was at our office. I wouldn't rule out	9		that came with this vehicle?
10		looking at it the day before or several days	10	A.	I don't know that to be a fact one way or the
11		later.	11		other.
12	Q.	Sure.	12	Q.	Do you know if the tire was the original
13	A.	But September 22nd is when I made the notes.	13	~	equipment tire that came with this vehicle?
14	Q.	And a number of photographs were taken of the	14	A.	No. I don't know one way or the other.
15	~	subject tire and the tread piece, is that	15	0.	Do you know if the tire that you inspected that
16		right?	16	χ.	was on the right rear of this vehicle on the
17	Α.	Yes.	17		date of the accident was a size recommended by
18	Q.	Were those taken by you or Mr. Peterson?	18		General Motors for that vehicle?
19	<b>Ω•</b> Α.	I took the photographs of September 22nd, 2015.	19	Α.	I made no such study, so I don't know one way
20	л.	He may have taken others at another time.	20	л.	or the other.
21	Q.	Was there anything in particular about your	21	Q.	Just to be clear, you're not going to offer any
22	×.	inspection of the subject tire that affected	22	χ.	opinions with regard to how or why the subject
23		your opinions in this case?	23		tire failed, is that correct?
24	Α.	No.	24	Α.	Beyond the general, I understand there's a
25	Q.	Was there anything that you found on the	25		tread separation. Details? No. That's not my
1		Page 91	1		Page 93
1 2		subject tire that you believe validates or	1	0	Page 93 area.
2		subject tire that you believe validates or supports any of the opinions that you intend to	2	Q.	Page 93 area.  Do you believe that the tire lost its air
2 3		subject tire that you believe validates or supports any of the opinions that you intend to offer in this case?	2	Q.	Page 93 area.  Do you believe that the tire lost its air pressure while the vehicle was still on the
2 3 4	Α.	subject tire that you believe validates or supports any of the opinions that you intend to offer in this case? Not beyond the fact that the tire had failed,	2 3 4		Page 93 area.  Do you believe that the tire lost its air pressure while the vehicle was still on the paved surface?
2 3 4 5		subject tire that you believe validates or supports any of the opinions that you intend to offer in this case? Not beyond the fact that the tire had failed, and I was preserving the condition of the tire	2 3 4 5	Α.	Page 93 area.  Do you believe that the tire lost its air pressure while the vehicle was still on the paved surface?  Yes.
2 3 4 5 6		subject tire that you believe validates or supports any of the opinions that you intend to offer in this case? Not beyond the fact that the tire had failed, and I was preserving the condition of the tire when we had it, and we know the tire failed at	2 3 4 5	A. Q.	Page 93 area.  Do you believe that the tire lost its air pressure while the vehicle was still on the paved surface? Yes. What's the basis of that opinion?
2 3 4 5 6 7	Α.	subject tire that you believe validates or supports any of the opinions that you intend to offer in this case?  Not beyond the fact that the tire had failed, and I was preserving the condition of the tire when we had it, and we know the tire failed at the time of the accident.	2 3 4 5 6 7	Α.	Page 93 area.  Do you believe that the tire lost its air pressure while the vehicle was still on the paved surface? Yes.  What's the basis of that opinion? Well, there are a number of bases. First of
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_		D 01			5 06
1	Α.	Page 94 Oh, I'm not aware of a physical mark on the	1		Page 96 open question that might lead you to offering
2		roadway that I've seen that shows the let's	2		something new?
3		say the rim down to the pavement, if that's the	3	Α.	Yes, understanding what my assignment was.
4		question.	4	0.	Uh-huh.
5	Q.	It's part of the question. It could be part of	5	Α.	Yes, understanding what the questions were that
6	χ.	the evidence. I don't know. I was asking you	6		were going to be asked of me by Mr. Rottier or
7		a very open question. Is there anything about	7		someone in his office.
8		your investigation, whether it be the wheel,	8		So yes. All of my opinions are
9		the tire, the scene, that tells you that the	9		contained in Exhibit 26 with, as you just
10		vehicle lost strike that, that the tire	10		stated, the exception if there's some question
11		lost its air pressure while still on the	11		that I hadn't anticipated that you might ask
12		-	12		
	7	roadway?		^	that I wouldn't have covered in the report.
13	Α.	And again, you could have a tread separation as	13	Q.	Great. So you stand by your report?
14		I'm understanding the question where there's	14	Α.	Absolutely.
15	_	still air in the tire.	15	Q.	It's complete?
16	Q.	Absolutely.	16	Α.	Yes.
17	Α.	I don't have physical facts one way or the	17	Q.	And it was Strike that. Did you have any
18		other on that aspect.	18		Did you need to review anything else prior to
19	Q.	Okay. In your years of offering testimony with	19		your February 29th, 2016 report?
20		regard to consumer products, can you agree with	20	A.	Other than anything else I had
21		this statement; the mere fact that a product	21	Q.	Was there anything else that you needed to
22		fails does not necessarily mean that it's	22		review prior to issuing this report?
23		defective?	23	A.	No.
24	A.	I agree.	24	Q.	Okay. Have you asked been Strike that.
25	Q.	Would you look at Exhibit 26, your report for	25		Have you been asked to do anything else since
		Page 95			Page 97
1		me, please, sir?	1		you issued your report in February of 2016?
2	Α.	me, please, sir? I have it in front of me.	2	Α.	you issued your report in February of 2016? Yes.
2 <b>3</b>	Q.	me, please, sir?  I have it in front of me.  Great. Are there any drafts of this report?	2 <b>3</b>	Q.	you issued your report in February of 2016? Yes. What else have you been asked to do?
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		Daga 00	1		Dog 100
1	Q.	Page 98  Are you doing okay, or do you want a break?	1		Page 100 configured in that manner?
2	Α.	I'm fine.	2	A.	Yes. Because we studied the dashed lines
3	Q.	Okay. Me too. Everybody else?	3		through the area of the accident, and didn't
4		We're going to talk about Exhibit 36,	4		place them all on the drawing further down the
5		which is your diagram of the accident, okay?	5		road nor in the other lanes. We put what's
6	A.	Yes.	6		traditionally a center line marking, which is a
7	Q.	Do you have a smaller version of this that you	7		long line with a small dash.
8	_	can look on with?	8	Q.	The next line that we come to is what?
9	A.	I do. It was attached to the report. It's	9	Α.	That's the west edge of the paved portion of
10		SKO077, which is part of Exhibit 26, although	10		the through lanes.
11		it's kind of a small scale for my old eyes.	11	Q.	That's the yellow line?
12		But I'll work with it.	12	Α.	Yes.
13	Q.	Well, you're welcome to look at 36 at any point	13	Q.	And then what's after the yellow line?
14	_	in time. I need to understand better some of	14	Α.	Then you have the edge of the paved surface,
15		the markings that are on Exhibit 36, and let's	15		which is the shoulder.
16		basically start from the top of the page and	16	Q.	Okay.
17		work our way down, okay?	17	Α.	And then you have the dashed line, which is the
18	A.	Yes.	18		edge of the gravel shoulder.
19	Q.	The first thing that we come to that is part of	19	Q.	And then we have the center median, is that
20	_	the diagram is a dotted line or dashed line.	20	_	right?
21		What is that?	21	Α.	Yes. It's just grass.
22	A.	The gravel shoulder edge.	22	Q.	All right. There's some photographs here that
23	Q.	Uh-huh. Do you have any indication in your	23		someone has placed on Exhibit 36. First off,
24		notes how far the roadway drops off from the	24		who did Exhibit 36?
25		edge of that gravel to the unimproved area of	25	Α.	That's a combination of Mr. Peterson,
		Danie 00			
1					D 101
1		Page 99 the roadway?	1		Page 101 Mr. Zuelhke, Mr. Bingen and myself.
1	Α.	the roadway?		0.	Mr. Zuelhke, Mr. Bingen and myself.
2	Α.		1 2 3	Q. A.	Mr. Zuelhke, Mr. Bingen and myself. Who decided where to place the photographs?
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2 3		the roadway?  Not that I recall. It's not much of a dropoff, but I don't recall what it is.	<b>2</b> 3		Mr. Zuelhke, Mr. Bingen and myself.  Who decided where to place the photographs?  I would say Mr. Peterson probably put the photographs.
2 3 <b>4</b>	Q.	<pre>the roadway? Not that I recall. It's not much of a dropoff, but I don't recall what it is. Is it severe? No.</pre>	<b>2</b> 3 4	Α.	Mr. Zuelhke, Mr. Bingen and myself.  Who decided where to place the photographs?  I would say Mr. Peterson probably put the photographs.  Did he do some photogrammetry on this?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q. A. Q. A. Q. A. Q. A.	the roadway?  Not that I recall. It's not much of a dropoff, but I don't recall what it is.  Is it severe?  No.  Okay. So you have a graveled area, and then what's the next line that we see there, that solid black line?  That's the edge of the paved shoulder.  And then the next double line there?  That's the I'll call it the fog line, or the right side line for that stage vehicles northbound. It would be the east edge of the through lines.  It's called the fog line, you say?  We sometimes call it that, yes.  Is that a white line typically?  Yes.  What's the next set of lines?  That represents the center line of the two divided northbound lanes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q.	Mr. Zuelhke, Mr. Bingen and myself.  Who decided where to place the photographs?  I would say Mr. Peterson probably put the photographs.  Did he do some photogrammetry on this?  Not on those photographs, but yes, on larger photographs that are in the file. You remember we that Mr. Peterson measured the rumble strips?  Uh-huh.  And then the dashed lines, and you'll find photographs which we already marked where  Mr. Peterson made some study to help place the tire marks on the drawing, Exhibit 36.  The Going from right to left, the first photograph, which would be the way Mr. Below was headed that day, the first photograph we come to is scene photograph P9, is that right? Yes.  And that shows a piece of tread at the road edge, is that right?
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		Page 102			Page 104
1		location it's basically north.	1		truck.
2	Q.	Basically north/south at that point?	2	Q.	Do you believe that Mr. Below was traveling in
3	Α.	Right. But we always call it westbound on the	3		the right-hand or the slow lane when the tire
4		interstate there, throughout that travel.	4		began to fail?
5	Q.	We got a lot of that on I-10 going through	5	A.	That's my opinion, yes.
6	-	Texas too, so I'll forgive you. Can we just	6	Q.	How do you define yaw? Yaw, y-a-w.
1 7		call it eastbound and westbound just for	7	Α.	It's a motion made by the vehicle, and if you
8		because that's how the roadway is named?	8		want it in engineering terms, but in layman's
9	Α.	That's fine.	9		terms basically a vehicle going straight
10	ο.	But we'll understand he's going north/south.	10		doesn't yaw, but if it starts to rotate without
11	<b>Α.</b>	I got it.	11		it being turned specifically by the steering
12	0.	Okay. So he's heading westbound on 94, and so	12		wheel, then the vehicle starts to travel down
13	χ.	we're looking at scene photograph P9, and	13		the road in varying degrees of in this case
14		that's looking in the direction of westbound	14		right-side leading.
15		94, correct?	15		
16	70		16		This vehicle is clearly yawing from its tire marks and its rotation through the
1	Α.	Yes.			· · · · · · · · · · · · · · · · · · ·
17	Q.	Do you know if that's the piece of tread that	17		area where it rolls and to where it comes to
18		was recovered that related to the subject tire?	18	_	rest.
19	Α.	Yes.	19	Q.	So your definition of yaw is a motion made by a
20	Q.	How do you know that?	20		vehicle where it rotates without being turned
21	A.	By looking at the photographs and studying the	21		by the steering wheel, is that
22		piece of tire.	22	Α.	It can be turned by the steering wheel and
23	Q.	The next photograph is scene photograph P11?	23		steering of the vehicle too. It's a rotation
24	Α.	Yes.	24		about the if you have a vertical axis
25	Q.	What was used to orient it to place it at that	25		through the center of gravity, it's rotation of
Ι.		Page 103			Page 105
1		particular spot?	1		the vehicle around that vertical axis as it's
2	Α.	<pre>particular spot? The dashed center lines, the police</pre>	2		the vehicle around that vertical axis as it's in transition.
2 3	Α.	particular spot?  The dashed center lines, the police photographs, the rumble strips.	2 3	Q.	the vehicle around that vertical axis as it's in transition.  Can a vehicle recover from a yaw in your
2 3 4	Α.	particular spot? The dashed center lines, the police photographs, the rumble strips.  And by the way, the arrows show on the	2 3 4	Q.	the vehicle around that vertical axis as it's in transition.  Can a vehicle recover from a yaw in your opinion, or your using your definition of
2 3 4 5	Α.	<pre>particular spot? The dashed center lines, the police photographs, the rumble strips.     And by the way, the arrows show on the right-hand side, but of course those</pre>	2 3 4 5	Q.	the vehicle around that vertical axis as it's in transition.  Can a vehicle recover from a yaw in your opinion, or your using your definition of yaw, can a vehicle recover from a yaw?
2 3 4 5 6	Α.	particular spot?  The dashed center lines, the police photographs, the rumble strips.  And by the way, the arrows show on the right-hand side, but of course those photographs are taken on the left-hand side of	2 3 4 5	Q. A.	the vehicle around that vertical axis as it's in transition.  Can a vehicle recover from a yaw in your opinion, or your using your definition of yaw, can a vehicle recover from a yaw?  A small yaw, yes. When it gets to any kind of
2 3 4 5 6 7	Α.	particular spot?  The dashed center lines, the police photographs, the rumble strips.  And by the way, the arrows show on the right-hand side, but of course those photographs are taken on the left-hand side of the westbound lanes. There just wasn't room to	2 3 4 5 6 7		the vehicle around that vertical axis as it's in transition.  Can a vehicle recover from a yaw in your opinion, or your using your definition of yaw, can a vehicle recover from a yaw?  A small yaw, yes. When it gets to any kind of yaw like this, no.
2 3 4 5 6 7 8	Α.	particular spot?  The dashed center lines, the police photographs, the rumble strips.  And by the way, the arrows show on the right-hand side, but of course those photographs are taken on the left-hand side of the westbound lanes. There just wasn't room to put them to put them in the median.	2 3 4 5 6 7 8		the vehicle around that vertical axis as it's in transition.  Can a vehicle recover from a yaw in your opinion, or your using your definition of yaw, can a vehicle recover from a yaw?  A small yaw, yes. When it gets to any kind of yaw like this, no.  When you say this, you're talking about the
2 3 4 5 6 7	A. Q.	particular spot? The dashed center lines, the police photographs, the rumble strips.  And by the way, the arrows show on the right-hand side, but of course those photographs are taken on the left-hand side of the westbound lanes. There just wasn't room to put them to put them in the median.  Sure. Disturb everything else.	2 3 4 5 6 7	Α.	the vehicle around that vertical axis as it's in transition.  Can a vehicle recover from a yaw in your opinion, or your using your definition of yaw, can a vehicle recover from a yaw?  A small yaw, yes. When it gets to any kind of yaw like this, no.
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2 3 4 5 6 7 8 9 10 11		particular spot?  The dashed center lines, the police photographs, the rumble strips.  And by the way, the arrows show on the right-hand side, but of course those photographs are taken on the left-hand side of the westbound lanes. There just wasn't room to put them to put them in the median.  Sure. Disturb everything else.  The next photograph we come to is	2 3 4 5 6 7 8 9	A. Q.	the vehicle around that vertical axis as it's in transition.  Can a vehicle recover from a yaw in your opinion, or your using your definition of yaw, can a vehicle recover from a yaw?  A small yaw, yes. When it gets to any kind of yaw like this, no.  When you say this, you're talking about the first image that we see of the Below vehicle on your diagram?
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2 3 4 5 6 7 8 9 10 11 12 13 14	Q.	particular spot?  The dashed center lines, the police photographs, the rumble strips.  And by the way, the arrows show on the right-hand side, but of course those photographs are taken on the left-hand side of the westbound lanes. There just wasn't room to put them to put them in the median.  Sure. Disturb everything else.  The next photograph we come to is scene photograph P12, which is you can begin to see some tire marks going across the solid yellow line, is that right?  Yes.	2 3 4 5 6 7 8 9 10 11 12 13	A. Q.	the vehicle around that vertical axis as it's in transition.  Can a vehicle recover from a yaw in your opinion, or your using your definition of yaw, can a vehicle recover from a yaw?  A small yaw, yes. When it gets to any kind of yaw like this, no.  When you say this, you're talking about the first image that we see of the Below vehicle on your diagram?  Yes.  Is it your opinion that the image that we see there at the the first image that we see of the Below vehicle, that vehicle is in a yaw at
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A.	particular spot?  The dashed center lines, the police photographs, the rumble strips.  And by the way, the arrows show on the right-hand side, but of course those photographs are taken on the left-hand side of the westbound lanes. There just wasn't room to put them to put them in the median.  Sure. Disturb everything else.  The next photograph we come to is scene photograph P12, which is you can begin to see some tire marks going across the solid yellow line, is that right?  Yes.  In any of those tire marks Strike that. Did you determine the marks that we see in scene photograph P12 to be tire marks that were left from the subject vehicle or the subject vehicle's trailer?  The subject vehicle. Not so much the trailer.  How did you make that determination?  Because you could trace the tire marks from the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q.	the vehicle around that vertical axis as it's in transition.  Can a vehicle recover from a yaw in your opinion, or your using your definition of yaw, can a vehicle recover from a yaw?  A small yaw, yes. When it gets to any kind of yaw like this, no.  When you say this, you're talking about the first image that we see of the Below vehicle on your diagram?  Yes.  Is it your opinion that the image that we see there at the the first image that we see of the Below vehicle, that vehicle is in a yaw at that point?  Yes.  Is that a yaw from which that vehicle could have recovered at that point?  I doubt it. I'd say no.  Does the placement of the first vehicle on Exhibit 36 and your diagram, is that an indication of where the first physical evidence was found on the actual roadway?

		Do 106			Da~a 100
1	Α.	Page 106 The right front.	1		Page 108 those to the distances traveled.
2	Q.	And we see that carrying all the way through	2	Q.	Sure.
3	-	into the median area, is that right?	3	Α.	Conservation of kinetic energy. It's not a
4	Α.	Yes.	4		critical speed calculation.
5	Q.	Okay. How far back from point of rest is that	5	Q.	Is there anything wrong with the critical speed
6	-	first tire mark? Well, let's strike that.	6	-	calculation?
7		Let's start with the trip. How far back from	7	A.	Depends how it's used and what it's used. If
8		the trip is that first tire mark?	8		it's
9	A.	Well, you could measure it on the drawing is	9	Q.	How about in this arena?
10		the easiest, but in the calculations, that	10	A.	In this case, no, you wouldn't use critical
11		would be location H, and we start as	11		speed calculation.
12		location A.	12		And critical speed, make sure we're on
13	Q.	Where is A?	13		the same path or on the same page here, it
14	A.	A is the first drawing you just referenced.	14		talks about if you have tire marks created by a
15		It's the easternmost portrayal.	15		vehicle going around a curve, if you can
16	Q.	Okay. So it's position A is the	16		measure the core or the radius of the
17	A.	Yes.	17		cornering, you could then calculate the maximum
18	Q.	The first time in his lane of travel that we	18		speed if you take into account lateral
19		see him, right?	19		acceleration limits.
20	A.	Correct.	20		Is that what you're talking about?
21	Q.	Okay.	21	Q.	I am.
22	A.	So if we add the distance up, and you want to	22	A.	I hope so.
23		go all the way to H?	23	Q.	Did you do any sort of analysis of the lateral
24	Q.	Let's go to trip. Yeah. Is it H?	24		acceleration limits on this particular
25	A.	It's about 161 feet.	25		vehicle?
		Page 107			Page 109
ı		1430 107			
1	Q.	How long do you have his roll distance, 164,	1	A.	Well, yes. There's lateral acceleration as the
1 2	Q.	How long do you have his roll distance, 164, something like that, 124?	1 2	Α.	
l	Q. A.			Α.	Well, yes. There's lateral acceleration as the
2		something like that, 124?	2	A. Q.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far
<b>2</b> 3	Α.	something like that, 124? 124, correct.	2 3		Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.
<b>2</b> 3 <b>4</b>	A. Q.	something like that, 124? 124, correct. 124 roll distance?	2 3 <b>4</b>	Q.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.
2 3 4 5	A. <b>Q.</b> A.	something like that, 124? 124, correct. 124 roll distance? Yes. To final rest, yes.	2 3 <b>4</b> 5	<b>Q.</b> A.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.
2 3 4 5 6	A. <b>Q.</b> A.	something like that, 124? 124, correct. 124 roll distance? Yes. To final rest, yes. Did you do a speed calculation for Mr. Below's	2 3 4 5 6	<b>Q.</b> A.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the
2 3 4 5 6 7	A. Q. A. Q.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?	2 3 4 5 6 7	Q. A. Q.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?
2 3 4 5 6 7 8	A. Q. A. Q.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.	2 3 4 5 6 7 8	Q. A. Q.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be
2 3 4 5 6 7 8 9	A. Q. A. Q.	something like that, 124? 124, correct. 124 roll distance? Yes. To final rest, yes. Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36? At location A, yes. What did you determine his speed to be at	2 3 4 5 6 7 8	Q. A. Q.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the
2 3 4 5 6 7 8 9	A. Q. A. Q. A.	something like that, 124? 124, correct. 124 roll distance? Yes. To final rest, yes. Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36? At location A, yes. What did you determine his speed to be at location A?	2 3 4 5 6 7 8 9	Q. A. Q.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the
2 3 4 5 6 7 8 9 10	A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report,	2 3 4 5 6 7 8 9 10	Q. A. Q.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55
2 3 4 5 6 7 8 9 10 11 12	A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report, Exhibit 26, at 58 to 63 miles per hour.	2 3 4 5 6 7 8 9 10 11 12	Q. A. Q.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55 for some of the roll-over event for the last
2 3 4 5 6 7 8 9 10 11 12 13	A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report,  Exhibit 26, at 58 to 63 miles per hour.  THE VIDEOGRAPHER: About five minutes	2 3 4 5 6 7 8 9 10 11 12 13	Q. A. Q.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55 for some of the roll-over event for the lastfor the 40 feet, .4 to .5 Gs, those are the
2 3 4 5 6 7 8 9 10 11 12 13	A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report,  Exhibit 26, at 58 to 63 miles per hour.  THE VIDEOGRAPHER: About five minutes left on disk.	2 3 4 5 6 7 8 9 10 11 12 13	Q. A. Q.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55 for some of the roll-over event for the last -for the 40 feet, .4 to .5 Gs, those are the absolute numbers, not taking into account the
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Q. A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report,  Exhibit 26, at 58 to 63 miles per hour.  THE VIDEOGRAPHER: About five minutes left on disk.  MR. TAYLOR:	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. A. Q.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55 for some of the roll-over event for the last for the 40 feet, .4 to .5 Gs, those are the absolute numbers, not taking into account the yawing. And I Then I was65 was the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report, Exhibit 26, at 58 to 63 miles per hour.  THE VIDEOGRAPHER: About five minutes left on disk.  MR. TAYLOR:  Okay. What type of speed calculation did you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. A. Q. A.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55 for some of the roll-over event for the last for the 40 feet, .4 to .5 Gs, those are the absolute numbers, not taking into account the yawing. And I Then I was65 was the highest number that was used.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report,  Exhibit 26, at 58 to 63 miles per hour.  THE VIDEOGRAPHER: About five minutes left on disk.  MR. TAYLOR:  Okay. What type of speed calculation did you use; did you use a segment of yaw calculation,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. A. Q. A.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55 for some of the roll-over event for the last -for the 40 feet, .4 to .5 Gs, those are the absolute numbers, not taking into account the yawing. And I Then I was65 was the highest number that was used.  Okay. We're going to have to break that down,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report,  Exhibit 26, at 58 to 63 miles per hour.  THE VIDEOGRAPHER: About five minutes left on disk.  MR. TAYLOR:  Okay. What type of speed calculation did you use; did you use a segment of yaw calculation, did you use like a source of critical speed	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q. A.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55 for some of the roll-over event for the last for the 40 feet, .4 to .5 Gs, those are the absolute numbers, not taking into account the yawing. And I Then I was65 was the highest number that was used.  Okay. We're going to have to break that down, but I think I'm going to need longer than two
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report,  Exhibit 26, at 58 to 63 miles per hour.  THE VIDEOGRAPHER: About five minutes left on disk.  MR. TAYLOR:  Okay. What type of speed calculation did you use; did you use a segment of yaw calculation, did you use like a source of critical speed calculation? How did you do your speeds?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q. A.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55 for some of the roll-over event for the lastfor the 40 feet, .4 to .5 Gs, those are the absolute numbers, not taking into account the yawing. And I Then I was65 was the highest number that was used.  Okay. We're going to have to break that down, but I think I'm going to need longer than two minutes, so we'll go ahead and change the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report, Exhibit 26, at 58 to 63 miles per hour.  THE VIDEOGRAPHER: About five minutes left on disk.  MR. TAYLOR:  Okay. What type of speed calculation did you use; did you use a segment of yaw calculation, did you use like a source of critical speed calculation? How did you do your speeds?  Didn't use critical speed. But I used	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. A. Q. A.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55 for some of the roll-over event for the last for the 40 feet, .4 to .5 Gs, those are the absolute numbers, not taking into account the yawing. And I Then I was65 was the highest number that was used.  Okay. We're going to have to break that down, but I think I'm going to need longer than two minutes, so we'll go ahead and change the tapes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report, Exhibit 26, at 58 to 63 miles per hour.  THE VIDEOGRAPHER: About five minutes left on disk.  MR. TAYLOR:  Okay. What type of speed calculation did you use; did you use a segment of yaw calculation, did you use like a source of critical speed calculation? How did you do your speeds?  Didn't use critical speed. But I used conservation of kinetic energy, and as you just	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. A. Q. A.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55 for some of the roll-over event for the last for the 40 feet, .4 to .5 Gs, those are the absolute numbers, not taking into account the yawing. And I Then I was65 was the highest number that was used.  Okay. We're going to have to break that down, but I think I'm going to need longer than two minutes, so we'll go ahead and change the tapes.  Okay.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report,  Exhibit 26, at 58 to 63 miles per hour.  THE VIDEOGRAPHER: About five minutes left on disk.  MR. TAYLOR:  Okay. What type of speed calculation did you use; did you use a segment of yaw calculation, did you use like a source of critical speed calculation? How did you do your speeds?  Didn't use critical speed. But I used conservation of kinetic energy, and as you just said, broke it up into increments and used	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55 for some of the roll-over event for the lastfor the 40 feet, .4 to .5 Gs, those are the absolute numbers, not taking into account the yawing. And I Then I was65 was the highest number that was used.  Okay. We're going to have to break that down, but I think I'm going to need longer than two minutes, so we'll go ahead and change the tapes.  Okay.  THE VIDEOGRAPHER: This is the end of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q. A.	something like that, 124?  124, correct.  124 roll distance?  Yes. To final rest, yes.  Did you do a speed calculation for Mr. Below's pickup truck at point A on Exhibit 36?  At location A, yes.  What did you determine his speed to be at location A?  That's the speed I reported in my report,  Exhibit 26, at 58 to 63 miles per hour.  THE VIDEOGRAPHER: About five minutes left on disk.  MR. TAYLOR:  Okay. What type of speed calculation did you use; did you use a segment of yaw calculation, did you use like a source of critical speed calculation? How did you do your speeds?  Didn't use critical speed. But I used conservation of kinetic energy, and as you just said, broke it up into increments and used acceleration, and then took into account that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A.	Well, yes. There's lateral acceleration as the vehicle is coming around the yaw. But as far as using it critical speed, no.  Gotcha. Okay. I think we're on the same page.  Good.  What decel rate did you use throughout the increments that we see on Exhibit 36?  Well, it certainly varied, but it would be mainly .3 to .46 once you take into account the yaw and the yaw at various rates. But the maximum was right around .6565 .45 to .55 for some of the roll-over event for the lastfor the 40 feet, .4 to .5 Gs, those are the absolute numbers, not taking into account the yawing. And I Then I was65 was the highest number that was used.  Okay. We're going to have to break that down, but I think I'm going to need longer than two minutes, so we'll go ahead and change the tapes.  Okay.  THE VIDEOGRAPHER: This is the end of disk No. 1, the deposition of Dennis Skogen,

		Page 110			Page 112
1		(A break was taken from 11:15 to	1		deceleration rate goes down from there. So if
2		11:28.)	2		you're talking about the effective deceleration
3		THE VIDEOGRAPHER: This is the	3		rate from A to B, as an example, it would be
4		beginning of disk No. 2 in the continuing	4		.43 to .48 Gs. And that would be the same from
5		deposition of Dennis Skogen, October 13th,	5		B to C. From C to D .4 to .45 Gs. From E to
6		2016, 11:28 a.m. You're on the record.	6		D, .35 to .4 Gs. From E to F, .28 to .33 Gs.
7		MR. TAYLOR:	7		Same deceleration for G to F. And then G to H,
8	^	Mr. Skogen, are you ready to proceed?	8		.38 to .43 Gs.
l	Q.	• , • • •		^	
9	Α.	Yes, sir.	9	Q.	Does your decel Strike that. Do the
10	Q.	I want to follow up with you on some questions	10		deceleration rates that you used in your speed
11		that I had about Exhibit 36 and see if I	11		calculations take into account any braking by
12		understood your earlier testimony. Okay?	12		Mr. Below?
13	A.	Yes.	13	A.	Yes and no. In other words, the deceleration
14	Q.	My understanding is if we start with the most	14		rates are based upon the tire marks being left.
15		easterly vehicle on Exhibit 36, that that is	15		As the vehicle is yawing, the tires are
16		the one that has been labeled A, is that right?	16		scribing the marks. He may have had the brakes
17	A.	Correct. In my calculations it's A, but that's	17		on and he may not have, but it's being slowed.
18		the way I think of it as A.	18		The vehicle is being slowed anyway because the
19	Q.	Sure. And then each of the vehicles that we	19		tires don't roll sideways.
20		see in your diagram proceeding westerly would	20	Q.	In terms of trip mechanisms in the median, is
21		be the next in the alphabet, so the second one	21	-	it just the soil, or is there a different trip
22		would be B, the third one would be C, and so	22		mechanism other than the soil, the gravel?
23		forth?	23	Α.	Well, there are a number of factors that cause
24	A.	Exactly.	24		a vehicle to start to roll. If you're talking
25	Q.	Point of trip vehicle would be H, right?	25		about the soil, I don't recall an object being
23	۷.	rome of crip venicle would be if, right:	23		about the soft, I don't recall an object being
		Page 111			Page 113
1	A.	I shouldn't say point. It's an area of trip.	1		there that was that portion of the trip event.
2		So yes, that would be H.	2		So it would be the soil and the tires
3	Q.	Okay. And then the final resting is position	3		and digging into the soil on the right side,
4		I, is that correct?	4		yes.
5	A.	It would be. We call it FRP, final rest	5	Q.	Did you Excuse me. Did your colleague
6		position.	6		measure the depths of those marks in the
7	Q.	Fair enough. With regard to your speed	7		median?
8		calculations for the vehicle as it appears on	8	A.	Not that I recall.
9		your diagram at position A, you have calculated	9	Q.	Do you have an opinion as to whether or not the
10		that at 58 to 63 miles per hour, is that	10		trailer began to roll first, or the truck?
11		correct?	11	A.	I would say the truck began to roll or tip
12	A.	Yes.	12		first before the trailer.
13	Q.	And you told us how you did that. Did you tell	13	Q.	Do you know how the ATVs were secured to the
14	-	us the deceleration rate that you used for that	14	-	trailer?
15		calculation?	15	A.	Not of my own personal knowledge. And I have
16	Α.	Well, it varies. But yes, I did.	16		the passenger.
17	Q.	Okay. What deceleration rate did you use at	17	Q.	What did he say about how the ATVs were secured
18	×.	point A on this diagram?	18	×.	to the trailer?
19	7\	It's at .65 is the deceleration rate.	19	7\	He said that Mr. Below had strapped them down
l	Α.			A.	
20	Q.	Okay. Is there a different deceleration rate	20		or tied them down before he had gotten into the
21	_	used for the vehicle as we see it at point B?	21		pickup truck before the passenger got in the
22	A.	No. That would still be .65.	22		pickup truck
23	Q.	Okay.	23	Q.	What was his speed at trip?
24	A.	But again, these are adjusted because the	24	A.	In the area of the trip, I have 41 to 45 miles
25		vehicle is going into a yaw, so the effective	25		per hour.

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                                                                                                             Page 116
          Did you do an analysis of the roll rate?
 1
    0.
                                                             1
                                                                 0.
                                                                      Have you ever served as an expert on an
 2
    Α.
          No, I didn't.
                                                             2
                                                                      accident involving a passenger vehicle that had
 3
          Did you make a determination as to where
                                                             3
                                                                      sustained a tread separation prior to today?
    0.
          Mr. Below was ejected from the vehicle?
                                                                Α.
 5
          Assuming he was ejected, no, I didn't.
                                                             5
                                                                      How many times?
    Α.
                                                                 0.
 6
          Are you aware of whether or not he was
                                                             6
     Q.
                                                                Α.
                                                                      I've never kept track. Far as a
 7
          ejected?
                                                             7
                                                                      reconstruction, probably 30 times, maybe as
 8
          Well, I understood there's some observations
                                                             8
                                                                      many as 40 times over the years.
    Α.
 9
                                                             9
          concerning that aspect, but I made no
                                                                      Has it always been your opinion that a tread
10
          evaluation of whether he was or wasn't ejected,
                                                            10
                                                                      separation event has led to a loss of control
                                                            11
                                                                      in those accidents where a tire failure was
11
          and if he was where he was ejected.
12
          Was this scale diagram in part generated by a
                                                            12
                                                                      involved?
    Q.
13
                                                            13
          computer obviously?
                                                                      No.
                                                                Α.
14
    A.
                                                            14
                                                                 ٥.
                                                                      So you would agree with me that the mere fact
15
          Did the computer assist in any manner in
                                                            15
                                                                      that a tire fails in service does not mean that
16
          determining the positions of the vehicle?
                                                                      a loss of vehicle control will necessarily
                                                            16
17
    A.
          Not really. We take the computer, we put the
                                                            17
                                                                      follow?
18
          tire marks on, and that's from the photographs
                                                            18
                                                                      I agree with that, but that's not what I
                                                                Α.
19
          and our survey.
                                                            19
                                                                      testified in those other cases. The one case
20
                   As is the drawing -- base drawing,
                                                            20
                                                                      was a tread separation after there was an
21
          Exhibit 36, you see we used an aerial
                                                            21
                                                                      accident. The tire was damaged because the
22
                                                            22
                                                                      fender was shoved into it and there was a tread
          photograph. As it turns out, it was taken not
23
                                                            23
          long after the accident, so there were still
                                                                      separation. So that's to which I was
24
          some tire marks that show in the aerial
                                                            24
                                                                      referring. Not the question you just asked.
25
          photograph.
                                                                Q.
                                                                      I've actually had a client sued for that
                                                Page 115
                                                                                                            Page 117
 1
                   Then we place the vehicles on the
                                                                      before. Can you believe that?
                                                             1
 2
                                                             2
          diagram matching the tire marks, and the
                                                                               In the other instances, have you
 3
          computer doesn't do it, we do it, but we use
                                                             3
                                                                      testified that the tread separation event
 4
          the computer AutoCAD to do so.
                                                                      ultimately led to a loss of control?
 5
                   And then I make calculations, and in
                                                             5
                                                                      Where that was part of the reconstruction or
 6
          this matter, Exhibit 34 would show the
                                                             6
                                                                      asked that question, yes.
 7
          calculations we made. They were made with a
                                                             7
                                                                      So you're of the belief that a tread separation
 8
          spreadsheet.
                                                             8
                                                                      event can lead to a loss of control?
9
          Okay. Have you been given any information
                                                             9
                                                                      Yes.
     Q.
                                                                 Α.
10
          regarding the history of the vehicle prior to
                                                                      But you're also of the belief that a tread
                                                            10
                                                                 Q.
11
                                                            11
          the accident?
                                                                      separation event at highway speeds does not
                                                            12
12
                                                                      necessarily have to lead to a loss of
    Α.
          No.
13
          Have you been given any information with regard
                                                            13
                                                                      control?
14
          to the history of the right rear tire prior to
                                                            14
                                                                      I agree.
                                                                Α.
15
          the accident?
                                                            15
                                                                      There are factors that contribute as to whether
                                                            16
                                                                      or not a tire failure at highway speeds will
16
    A.
17
                                                            17
                                                                      lead to a loss of control in an accident, is
          Do you know anything about the air pressures
    0.
          that were in the tires on the date of the
18
                                                            18
                                                                      that true?
19
          accident?
                                                            19
                                                                Α.
                                                                      Yes.
          You say anything. I don't know what the
20
                                                            20
                                                                      And identify for me then those factors that you
21
          pressure settings were. I understand that they
                                                                      believe contribute to whether a tire failure at
                                                            21
22
          were inflated.
                                                            22
                                                                      highway speeds will lead to a loss of control.
                                                            23
                                                                               MR. ROGERS: Object to form. Go
23
    0.
24
    A.
          Prior to the accident. Beyond that, I have no
                                                            24
                                                                      ahead.
25
          knowledge.
                                                            25
                                                                      Well, the ones that can be identified I would
```

		Page 118			Page 120
1		say would be the type of vehicle, the size of	1		cited by Mr. Beauchamp in his report to support
2		the vehicle, the speed of the vehicle, the	2		your opinions in this case?
3		environmental conditions, the type of roadway,	3	A.	No.
4		and if I didn't say it the speed of the	4	٥.	Would you agree with me that the research
5		vehicle, the surfaces encountered, the driver's	5	-	indicates that a tire disablement such as a
6		skill.	6		tread separation will cause drag and lateral
7		One of the most critical ones of	7		movement to a vehicle?
8		course is driver expectation. Tire failure is	8		MR. ROGERS: Object to the form of the
9		not something that happens every day. It's for	9		question.
10		the most part a surprise event. Could be	10	Α.	That it always will, or if it can? It can
11		Well, would be an emergency in my definition.	11		certainly, yes.
12		So how that person reacts to emergency would	12		MR. TAYLOR: What was the objection?
13		vary from individual to individual, and from	13		I'm sorry. What's the nature of the objection?
14		situation to situation.	14		MR. ROGERS: It was incomplete, and it
15		I probably haven't put all the	15		calls for speculation.
16		variables in there, but at least those are a	16		MR. TAYLOR: Okay. Let me ask it
17		large number.	17		again, let me try and clean it up.
18		MR. TAYLOR:	18	Q.	You're aware, sir, that there's scientific
19	Q.	Some of the ones you told us were type of	19	~-	literature that a tread separation event on the
20	~~	vehicle, size of vehicle?	20		right rear of a vehicle will cause drag on that
21	Α.	Yes.	21		vehicle, correct?
22	Q.	Speed?	22	A.	I expect there probably is something of that
23	Α.	Yes.	23		nature. I don't have an article in mind,
24	Q.	Roadway conditions or surfaces?	24		however.
25	A.	Yes.	25	Q.	Are you aware of Strike that. Are you aware
		Dago 110			Dago 121
1	Q.	Page 119 And the driver's skill and reaction?	1		Page 121 of the scientific literature available related
<b>1</b> 2	Q. A.	_	1 2		
1		And the driver's skill and reaction?	-		of the scientific literature available related
2	A.	And the driver's skill and reaction?  Correct.	2	А.	of the scientific literature available related to the lateral movement a vehicle would expect
2 3	A. Q.	And the driver's skill and reaction?  Correct.  Okay.	2	А. <b>Q.</b>	of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event?
2 3 4	A. Q.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course	2 3 4		of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.
2 3 4 5	A. Q.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a	2 3 4 5		of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no. Would you agree or disagree with the statement
2 3 4 5 6	A. Q.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and	2 3 4 5 6		of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle
2 3 4 5 6 7	A. Q. A.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.	2 3 4 5 6 7		of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the
2 3 4 5 6 7 8	A. Q. A.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the	2 3 4 5 6 7 8		of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable
2 3 4 5 6 7 8 9	A. Q. A.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread	2 3 4 5 6 7 8 9		of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?
2 3 4 5 6 7 8 9	A. Q. A.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread detachment or a blowout, on vehicle handling or	2 3 4 5 6 7 8 9		of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?  MR. ROGERS: Object to the form.
2 3 4 5 6 7 8 9 10 11	A. Q. A. Q.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread detachment or a blowout, on vehicle handling or controllability?	2 3 4 5 6 7 8 9 10		of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?  MR. ROGERS: Object to the form.  THE WITNESS: I hate to do this, but
2 3 4 5 6 7 8 9 10 11	A. Q. A. A.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread detachment or a blowout, on vehicle handling or controllability?  Have I done a test?	2 3 4 5 6 7 8 9 10 11 12		of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?  MR. ROGERS: Object to the form.  THE WITNESS: I hate to do this, but could you read that back, please?
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2 3 4 5 6 7 8 9 10 11 12 13	A. Q. A. Q. A.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread detachment or a blowout, on vehicle handling or controllability?  Have I done a test?  Yeah.  No.	2 3 4 5 6 7 8 9 10 11 12 13	Q.	of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?  MR. ROGERS: Object to the form.  THE WITNESS: I hate to do this, but could you read that back, please?  (Question at Page 121, Line 5 read aloud by the reporter.)
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A. Q. A.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread detachment or a blowout, on vehicle handling or controllability?  Have I done a test?  Yeah.  No.  Have you reviewed any testing with regard to	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q.	of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?  MR. ROGERS: Object to the form.  THE WITNESS: I hate to do this, but could you read that back, please?  (Question at Page 121, Line 5 read aloud by the reporter.) I have no opinion in that regard.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. A.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread detachment or a blowout, on vehicle handling or controllability?  Have I done a test?  Yeah.  No.  Have you reviewed any testing with regard to this case as to the effects on vehicle handling or controllability when there's been a tire	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. A.	of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?  MR. ROGERS: Object to the form.  THE WITNESS: I hate to do this, but could you read that back, please?  (Question at Page 121, Line 5 read aloud by the reporter.)  I have no opinion in that regard.  MR. TAYLOR:  In your report, you the summary, you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread detachment or a blowout, on vehicle handling or controllability?  Have I done a test?  Yeah.  No.  Have you reviewed any testing with regard to this case as to the effects on vehicle handling or controllability when there's been a tire failure?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A.	of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?  MR. ROGERS: Object to the form.  THE WITNESS: I hate to do this, but could you read that back, please?  (Question at Page 121, Line 5 read aloud by the reporter.)  I have no opinion in that regard.  MR. TAYLOR:  In your report, you the summary, you indicated that the tire failed suddenly. What
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread detachment or a blowout, on vehicle handling or controllability?  Have I done a test?  Yeah.  No.  Have you reviewed any testing with regard to this case as to the effects on vehicle handling or controllability when there's been a tire failure?  I saw the documents that Mr. Beauchamp had and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. A. Q.	of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?  MR. ROGERS: Object to the form.  THE WITNESS: I hate to do this, but could you read that back, please?  (Question at Page 121, Line 5 read aloud by the reporter.) I have no opinion in that regard.  MR. TAYLOR: In your report, you the summary, you indicated that the tire failed suddenly. What do you mean by suddenly?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q. A. Q.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread detachment or a blowout, on vehicle handling or controllability?  Have I done a test?  Yeah.  No.  Have you reviewed any testing with regard to this case as to the effects on vehicle handling or controllability when there's been a tire failure?  I saw the documents that Mr. Beauchamp had and what he referenced. I have seen some of those	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. A. Q.	of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?  MR. ROGERS: Object to the form.  THE WITNESS: I hate to do this, but could you read that back, please?  (Question at Page 121, Line 5 read aloud by the reporter.)  I have no opinion in that regard.  MR. TAYLOR:  In your report, you the summary, you indicated that the tire failed suddenly. What do you mean by suddenly?  That as the witness described, that the tire
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A. Q. A.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread detachment or a blowout, on vehicle handling or controllability?  Have I done a test?  Yeah.  No.  Have you reviewed any testing with regard to this case as to the effects on vehicle handling or controllability when there's been a tire failure?  I saw the documents that Mr. Beauchamp had and what he referenced. I have seen some of those documents over the years also.  Okay.  But I didn't research any particular documents	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. A. Q.	of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?  MR. ROGERS: Object to the form.  THE WITNESS: I hate to do this, but could you read that back, please?  (Question at Page 121, Line 5 read aloud by the reporter.) I have no opinion in that regard.  MR. TAYLOR: In your report, you the summary, you indicated that the tire failed suddenly. What do you mean by suddenly? That as the witness described, that the tire sometimes people call it blew out, but failed, separated, failed to hold the vehicle up. The passenger eventually said that he felt his side
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread detachment or a blowout, on vehicle handling or controllability?  Have I done a test?  Yeah.  No.  Have you reviewed any testing with regard to this case as to the effects on vehicle handling or controllability when there's been a tire failure?  I saw the documents that Mr. Beauchamp had and what he referenced. I have seen some of those documents over the years also.  Okay.  But I didn't research any particular documents for this case.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q.	of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?  MR. ROGERS: Object to the form.  THE WITNESS: I hate to do this, but could you read that back, please?  (Question at Page 121, Line 5 read aloud by the reporter.)  I have no opinion in that regard.  MR. TAYLOR:  In your report, you the summary, you indicated that the tire failed suddenly. What do you mean by suddenly?  That as the witness described, that the tire sometimes people call it blew out, but failed, separated, failed to hold the vehicle up. The passenger eventually said that he felt his side of the pickup drop down. It wasn't my
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q.	And the driver's skill and reaction?  Correct.  Okay.  That would be some. And then of course expectation, knowledge if there's going to be a failure. Those would all be driver factors and situation factors.  Have you done any testing that relates to the effect of a tire failure, whether it be a tread detachment or a blowout, on vehicle handling or controllability?  Have I done a test?  Yeah.  No.  Have you reviewed any testing with regard to this case as to the effects on vehicle handling or controllability when there's been a tire failure?  I saw the documents that Mr. Beauchamp had and what he referenced. I have seen some of those documents over the years also.  Okay.  But I didn't research any particular documents	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q.	of the scientific literature available related to the lateral movement a vehicle would expect to encounter during a tread separation event? I don't have that in mind, no.  Would you agree or disagree with the statement that the research indicates that vehicle control is typically not compromised to the point that a vehicle becomes uncontrollable simply due to a tread separation event?  MR. ROGERS: Object to the form.  THE WITNESS: I hate to do this, but could you read that back, please?  (Question at Page 121, Line 5 read aloud by the reporter.) I have no opinion in that regard.  MR. TAYLOR: In your report, you the summary, you indicated that the tire failed suddenly. What do you mean by suddenly? That as the witness described, that the tire sometimes people call it blew out, but failed, separated, failed to hold the vehicle up. The passenger eventually said that he felt his side

		Page 122			Page 124
1		pressure.	1	A.	True.
2		Again, the witness said that he saw	2	Q.	Can we agree as a general proposition of
3		pieces or felt pieces of tire hitting their	3		physics that as the tread separation was
4		vehicle. So it's To me it's a sudden	4		occurring on Mr. Below's right rear tire, that
5		failure of the tire.	5		there would have been some amount of drag
6	Q.	Do you have an opinion that you intend to	6		impart imparted to his vehicle?
7		express as to where in the accident sequence	7	A.	Yes.
8		the tread and top belt began to detach from the	8	Q.	Can you quantify for the ladies and gentlemen
9		subject tire?	9		of the jury what you believe to be the amount
10	A.	I don't have a distance to the east as we've	10		of that drag that would have been imparted to
11		been asking from location A.	11		the vehicle?
12	Q.	Do you have an opinion that you intend to offer	12	A.	No.
13		as to where the tire began to throw rubber	13	Q.	After the right rear tire completed its tread
14		pieces prior to the orientation of the vehicle	14		and top belt detachment, would that drag on the
15		that we see as Exhibit as A on Exhibit 36?	15		right rear side of the vehicle have continued?
16	A.	Not without further information or assumptions	16	A.	Yes.
17		being made by or being asked to be made by	17	Q.	Why?
18		me.	18	Α.	Because the tire is not in its original
19	Q.	As part of Exhibit 36, there's some photographs	19		condition. When its tread is separated, I
20	χ.	here, the scene photograph, P9. Here. I'll	20		would expect that the drag as we've been
21		show you.	21		describing it would be the same or increase or
22	Α.	Yes. And that's the same as the photograph on	22		decrease over the distance traveled.
23	А.	the top.	23		Of course there's going to be a time
24	0	Sure. P9?	24		
l	Q.				when the vehicle is rolling, and it doesn't
25	Α.	Yes.	25		matter anymore.
			1		
	_	Page 123			Page 125
1	Q.	And then there's also down below, separated	1	Q.	Sure. And let's talk about the tread
2	Q.	And then there's also down below, separated part of the tire from the right rear of the	2	Q.	Sure. And let's talk about the tread separation event. As the tread is detaching
2	-	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs?	2	Q.	Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that
2 3 4	Α.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.	2 3 4	Q.	Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from
2 3 4 5	-	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes. Would it be your opinion that that's precisely	2 3 4 5		Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?
2 3 4 5 6	Α.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was	2 3 4 5	Α.	Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.
2 3 4 5 6 7	Α.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes. Would it be your opinion that that's precisely	2 3 4 5 6 7		Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of
2 3 4 5 6 7 8	A. Q.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.	2 3 4 5 6 7 8	Α.	Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt
2 3 4 5 6 7 8	A. Q.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the	2 3 4 5 6 7 8 9	Α.	Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted
2 3 4 5 6 7 8 9	A. Q.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.	2 3 4 5 6 7 8	Α.	Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt
2 3 4 5 6 7 8 9 10	A. Q.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the	2 3 4 5 6 7 8 9 10	Α.	Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?
2 3 4 5 6 7 8 9 10 11 12	A. Q. A. Q.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.	2 3 4 5 6 7 8 9 10 11	Α.	Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the
2 3 4 5 6 7 8 9 10 11 12 13	A. Q. A. Q.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east,	2 3 4 5 6 7 8 9 10 11 12	A. Q•	Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the same. I would expect it doesn't go away and
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A. A.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.	2 3 4 5 6 7 8 9 10 11	A. Q•	Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the
2 3 4 5 6 7 8 9 10 11 12 13	A. Q. A. A.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.  Okay. Did anybody make any determination that the area in the median that is noted to be small pieces of tire and then the date, May	2 3 4 5 6 7 8 9 10 11 12	A. Q•	sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the same. I would expect it doesn't go away and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. A.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.  Okay. Did anybody make any determination that the area in the median that is noted to be	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q•	Sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the same. I would expect it doesn't go away and vanish, but there would still be some drag. I
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A. A.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.  Okay. Did anybody make any determination that the area in the median that is noted to be small pieces of tire and then the date, May	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Q•	sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the same. I would expect it doesn't go away and vanish, but there would still be some drag. I can't tell you whether it's increasing or
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. A.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.  Okay. Did anybody make any determination that the area in the median that is noted to be small pieces of tire and then the date, May 14th, 2014, were tire pieces that related to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q.	sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the same. I would expect it doesn't go away and vanish, but there would still be some drag. I can't tell you whether it's increasing or decreasing over the length of travel.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Q. A. Q.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.  Okay. Did anybody make any determination that the area in the median that is noted to be small pieces of tire and then the date, May 14th, 2014, were tire pieces that related to the Below vehicle?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q.	sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the same. I would expect it doesn't go away and vanish, but there would still be some drag. I can't tell you whether it's increasing or decreasing over the length of travel.  Okay. So how about in relation to the other
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.  Okay. Did anybody make any determination that the area in the median that is noted to be small pieces of tire and then the date, May 14th, 2014, were tire pieces that related to the Below vehicle?  I'm not certain of that. I understood they	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q.	sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the same. I would expect it doesn't go away and vanish, but there would still be some drag. I can't tell you whether it's increasing or decreasing over the length of travel.  Okay. So how about in relation to the other three tires that still have their tread and top
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.  Okay. Did anybody make any determination that the area in the median that is noted to be small pieces of tire and then the date, May 14th, 2014, were tire pieces that related to the Below vehicle?  I'm not certain of that. I understood they were related to the Below vehicle, but I'd have	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q.	sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the same. I would expect it doesn't go away and vanish, but there would still be some drag. I can't tell you whether it's increasing or decreasing over the length of travel.  Okay. So how about in relation to the other three tires that still have their tread and top belt on them; would there be more or less drag
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q. A. Q.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.  Okay. Did anybody make any determination that the area in the median that is noted to be small pieces of tire and then the date, May 14th, 2014, were tire pieces that related to the Below vehicle?  I'm not certain of that. I understood they were related to the Below vehicle, but I'd have to go back and ask Mr. Peterson and do further	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A.	sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the same. I would expect it doesn't go away and vanish, but there would still be some drag. I can't tell you whether it's increasing or decreasing over the length of travel.  Okay. So how about in relation to the other three tires that still have their tread and top belt on them; would there be more or less drag on that right-hand side?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.  Okay. Did anybody make any determination that the area in the median that is noted to be small pieces of tire and then the date, May 14th, 2014, were tire pieces that related to the Below vehicle?  I'm not certain of that. I understood they were related to the Below vehicle, but I'd have to go back and ask Mr. Peterson and do further study, as I replied to the question earlier.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A.	sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the same. I would expect it doesn't go away and vanish, but there would still be some drag. I can't tell you whether it's increasing or decreasing over the length of travel.  Okay. So how about in relation to the other three tires that still have their tread and top belt on them; would there be more or less drag on that right-hand side?  More drag on the right rear side.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.  Okay. Did anybody make any determination that the area in the median that is noted to be small pieces of tire and then the date, May 14th, 2014, were tire pieces that related to the Below vehicle?  I'm not certain of that. I understood they were related to the Below vehicle, but I'd have to go back and ask Mr. Peterson and do further study, as I replied to the question earlier.  Sure. As you sit here today, you can't testify	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q.	sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the same. I would expect it doesn't go away and vanish, but there would still be some drag. I can't tell you whether it's increasing or decreasing over the length of travel.  Okay. So how about in relation to the other three tires that still have their tread and top belt on them; would there be more or less drag on that right-hand side?  More drag on the right rear side.  After the tread and top belt detach?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A.	And then there's also down below, separated part of the tire from the right rear of the Below GMC as located on the scene photographs? Yes.  Would it be your opinion that that's precisely where the tread and top belt piece that was located there detached from the tire?  No.  Could have traveled further west along the roadway, right?  Right. It detached further to the east, true.  Okay. Did anybody make any determination that the area in the median that is noted to be small pieces of tire and then the date, May 14th, 2014, were tire pieces that related to the Below vehicle?  I'm not certain of that. I understood they were related to the Below vehicle, but I'd have to go back and ask Mr. Peterson and do further study, as I replied to the question earlier.  Sure. As you sit here today, you can't testify that those small pieces of tire located in May	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A.	sure. And let's talk about the tread separation event. As the tread is detaching from the tire, do you agree with me that there's increased drag on the vehicle from that right rear position?  Yes.  Is it your opinion then based on the laws of physics that once that tread and top belt detaches, that that drag that was imparted because of the detaching tread and top belt remains the same, or does it dissipate?  Well, I can't say that it remains exactly the same. I would expect it doesn't go away and vanish, but there would still be some drag. I can't tell you whether it's increasing or decreasing over the length of travel.  Okay. So how about in relation to the other three tires that still have their tread and top belt on them; would there be more or less drag on that right-hand side?  More drag on the right rear side.  After the tread and top belt detach?  Yes.

_		D 106			D 100
1		Page 126 rolling circumference that it had. It doesn't	1	Α.	Page 128 Yes. I would expect there would be some pull
2		have the same configuration. It's	2		to the right.
3		deteriorated. Whether it's deflated, we talked	3	Q.	So you would expect there to be some pull to
4		about that before, it's not rolling in the	4	χ.	the right as a result of the tread and top belt
5		normal fashion as the other three, so in my	5		detaching, and then even after it detaches, in
6		opinion there would be increased drag at the	6		your opinion?
7		right rear.	7	Α.	Well, both.
8	0	Fair enough. Let me ask you a better question	8		
9	Q.	then. If the tire does not immediately deflate		Q. A.	I understand that that's your opinion, right?  Yes.
10		•	9 <b>10</b>		
11		after the tread and top belt detaches, is it		Q. A.	Just restating it? Yes.
I		still your opinion that there is increased drag	11		
12		on that right rear position as it relates to	12	Q.	Okay. So your opinion and analysis of this
13		the other three tires?	13		accident sequence is that Mr. Below would have
14	Α.	Most likely, but I can't say to a certainty	14		experienced a right rear drag from the right
15		without knowing how much it separated, over	15		rear tire failure all the way through the
16		what length of the tire, and what whether	16	_	accident sequence?
17	•	the tire is still inflated or not.	17	A.	No. I can't say that. I can't say that he
18	Q.	No. I wanted you to assume with me the tire	18		would have experienced it. The vehicle
19	_	was still inflated.	19	_	experiences.
20	Α.	Oh, I'm sorry. I didn't understand.	20	Q.	Fair enough.
21	Q.	And that the tread and top belt have completely	21	A.	The right rear experiences. He would know
22		detached.	22		something is wrong, but certainly, as an
23	Α.	All the way around?	23		example, the vehicle is rolling over, I doubt
24	Q.	360, just like we found it.	24		that he knows that the right rear wheel is
25	Α.	Then I expect there's increased drag.	25		dragging.
<b>—</b>		Daws 107	+		
١.	_	Page 127			Page 129
1	Q.	There's still increased drag on that right rear	1	Q.	Sure. Let's talk about while the vehicle is
2		There's still increased drag on that right rear position?	2	Q.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in
<b>2</b> 3	Α.	There's still increased drag on that right rear position? In may opinion, yes.	2	Q.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still
2 3 4	A. Q.	There's still increased drag on that right rear position?  In my opinion, yes.  And what's the basis of that opinion?	2 3 4	Q.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear
2 3 4 5	Α.	There's still increased drag on that right rear position? In my opinion, yes. And what's the basis of that opinion? Because as I described a minute ago, you start	2 3 4 5		Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear drag?
2 3 4 5 6	A. Q.	There's still increased drag on that right rear position? In my opinion, yes. And what's the basis of that opinion? Because as I described a minute ago, you start out with four tires inflated with all tire	2 3 4 5	Α.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear drag?  Yes.
2 3 4 5 6 7	A. Q.	There's still increased drag on that right rear position? In my opinion, yes. And what's the basis of that opinion? Because as I described a minute ago, you start out with four tires inflated with all tire treads in place, and then the right rear is	2 3 4 5 6 7		Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear drag?  Yes.  And that right rear drag would have been
2 3 4 5 6 7 8	A. Q.	There's still increased drag on that right rear position? In my opinion, yes. And what's the basis of that opinion? Because as I described a minute ago, you start out with four tires inflated with all tire treads in place, and then the right rear is affected, suddenly affected, you asked me to	2 3 4 5 6 7 8	Α.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear drag?  Yes.  And that right rear drag would have been essentially trying to redirect the vehicle to
2 3 4 5 6 7 8 9	A. Q.	There's still increased drag on that right rear position? In my opinion, yes. And what's the basis of that opinion? Because as I described a minute ago, you start out with four tires inflated with all tire treads in place, and then the right rear is affected, suddenly affected, you asked me to assume it's still inflated, but that the tread	2 3 4 5 6 7 8 9	A. Q.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear drag?  Yes.  And that right rear drag would have been essentially trying to redirect the vehicle to the right, is that correct?
2 3 4 5 6 7 8 9	A. Q.	There's still increased drag on that right rear position? In my opinion, yes. And what's the basis of that opinion? Because as I described a minute ago, you start out with four tires inflated with all tire treads in place, and then the right rear is affected, suddenly affected, you asked me to assume it's still inflated, but that the tread is separated, and that in my opinion causes	2 3 4 5 6 7 8 9	A. Q.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear drag?  Yes.  And that right rear drag would have been essentially trying to redirect the vehicle to the right, is that correct?  Yes.
2 3 4 5 6 7 8 9 10 11	A. Q.	There's still increased drag on that right rear position? In my opinion, yes. And what's the basis of that opinion? Because as I described a minute ago, you start out with four tires inflated with all tire treads in place, and then the right rear is affected, suddenly affected, you asked me to assume it's still inflated, but that the tread is separated, and that in my opinion causes increased drag at the right rear.	2 3 4 5 6 7 8 9 10	A. Q.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear drag?  Yes.  And that right rear drag would have been essentially trying to redirect the vehicle to the right, is that correct?  Yes.  Ultimately the vehicle went off the roadway to
2 3 4 5 6 7 8 9 10 11 12	A. Q.	There's still increased drag on that right rear position?  In my opinion, yes.  And what's the basis of that opinion?  Because as I described a minute ago, you start out with four tires inflated with all tire treads in place, and then the right rear is affected, suddenly affected, you asked me to assume it's still inflated, but that the tread is separated, and that in my opinion causes increased drag at the right rear.  To quantify it, I haven't done so.	2 3 4 5 6 7 8 9 10 11 12	A. Q. A. Q.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear drag?  Yes.  And that right rear drag would have been essentially trying to redirect the vehicle to the right, is that correct?  Yes.  Ultimately the vehicle went off the roadway to the left, is that right?
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2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A.	There's still increased drag on that right rear position?  In my opinion, yes.  And what's the basis of that opinion?  Because as I described a minute ago, you start out with four tires inflated with all tire treads in place, and then the right rear is affected, suddenly affected, you asked me to assume it's still inflated, but that the tread is separated, and that in my opinion causes increased drag at the right rear.  To quantify it, I haven't done so.  Sure. And certainly if the tire is deflated at	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A. Q. A.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear drag?  Yes.  And that right rear drag would have been essentially trying to redirect the vehicle to the right, is that correct?  Yes.  Ultimately the vehicle went off the roadway to the left, is that right?  Yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A.	There's still increased drag on that right rear position?  In my opinion, yes.  And what's the basis of that opinion?  Because as I described a minute ago, you start out with four tires inflated with all tire treads in place, and then the right rear is affected, suddenly affected, you asked me to assume it's still inflated, but that the tread is separated, and that in my opinion causes increased drag at the right rear.  To quantify it, I haven't done so.  Sure. And certainly if the tire is deflated at that point, there's going to be increased drag on that right rear tire, correct?  Correct.  For the ladies and gentlemen of the jury, if	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. Q.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear drag?  Yes.  And that right rear drag would have been essentially trying to redirect the vehicle to the right, is that correct?  Yes.  Ultimately the vehicle went off the roadway to the left, is that right?  Yes.  Should have said is that correct. It's going to get confusing with the right, left.  Okay. It's correct. Go to the left. That's what it did.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Q. A. Q.	There's still increased drag on that right rear position?  In my opinion, yes.  And what's the basis of that opinion?  Because as I described a minute ago, you start out with four tires inflated with all tire treads in place, and then the right rear is affected, suddenly affected, you asked me to assume it's still inflated, but that the tread is separated, and that in my opinion causes increased drag at the right rear.  To quantify it, I haven't done so.  Sure. And certainly if the tire is deflated at that point, there's going to be increased drag on that right rear tire, correct?  Correct.  For the ladies and gentlemen of the jury, if there's drag on the right rear of a GMC pickup truck like this one, what does that mean in terms of the direction of the vehicle?  Well, the direction of the vehicle continues to go straight. It might have some pull to the right.  You would expect a little pull to the right,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Q. A. Q. A. Q.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear drag?  Yes.  And that right rear drag would have been essentially trying to redirect the vehicle to the right, is that correct?  Yes.  Ultimately the vehicle went off the roadway to the left, is that right?  Yes.  Should have said is that correct. It's going to get confusing with the right, left.  Okay. It's correct. Go to the left. That's what it did.  You bet.  Do you have an opinion as to Strike that. In order for the vehicle to get off the roadway to the left, there had to have been a left steer input by Mr. Below, is that correct?  I agree.  Do you have an opinion as to the magnitude of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A.	There's still increased drag on that right rear position?  In my opinion, yes.  And what's the basis of that opinion?  Because as I described a minute ago, you start out with four tires inflated with all tire treads in place, and then the right rear is affected, suddenly affected, you asked me to assume it's still inflated, but that the tread is separated, and that in my opinion causes increased drag at the right rear.  To quantify it, I haven't done so.  Sure. And certainly if the tire is deflated at that point, there's going to be increased drag on that right rear tire, correct?  Correct.  For the ladies and gentlemen of the jury, if there's drag on the right rear of a GMC pickup truck like this one, what does that mean in terms of the direction of the vehicle?  Well, the direction of the vehicle continues to go straight. It might have some pull to the right.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A.	Sure. Let's talk about while the vehicle is still on the roadway. Would the vehicle, in your opinion, while the four tires are still on the roadway, have experienced a right rear drag?  Yes.  And that right rear drag would have been essentially trying to redirect the vehicle to the right, is that correct?  Yes.  Ultimately the vehicle went off the roadway to the left, is that right?  Yes.  Should have said is that correct. It's going to get confusing with the right, left.  Okay. It's correct. Go to the left. That's what it did.  You bet.  Do you have an opinion as to Strike that. In order for the vehicle to get off the roadway to the left, there had to have been a left steer input by Mr. Below, is that correct?  I agree.

Page 130 Page 132 No. What would have caused it to go to the left 1 Α. 1 0. 2 Q. Do you have an opinion as to the number of 2 without a steer input? 3 steer inputs that Mr. Below imparted to the 3 A. Braking, as an example, and the right rear 4 vehicle prior to going off to the left? wheel is not going to brake as well, and you 5 Only from what I understood testimony to be by have both sides braking and tire surfaces on 6 the passenger and the witness, that the vehicle 6 the left that are on the pavement. The right 7 went to the right slightly, and then came back 7 rear goes into the gravel and the grass. 8 to the left. So that would indicate one 8 There could be a number of variables 9 9 steering input. in that hypothetical. It wouldn't necessarily 10 But I can't say for sure. Mr. Below 10 make it go to the right, or make it go 11 may have been fighting it all the way and 11 straight, or go back to the left. And in your opinion, Mr. Below did not brake to 12 trying to recover the vehicle. 12 Q. 13 13 a severity that would have caused this vehicle Certainly the passenger indicates that there Q. 14 was a pull to the right and then a steer to the 14 to go to the left, did he? 15 left, is that correct? 15 I don't have an opinion one way or the other on that. I don't have the opinion that it was a 16 A. 16 17 0. And you don't dispute that, do you? That 17 lock-up of the brakes as an example that caused 18 comports with the laws of physics, doesn't it? 18 it to go to the left. 19 No, it doesn't. You could have a pull to the 19 Q. It's your understanding of having investigated A. 20 right and go straight. You could have a pull 20 other accidents where there were tread 21 to the right and go off to the right. I'm 21 separation events, that there would have been 22 22 just -noise and vibration imparted to the vehicle, 23 23 correct? Q. Sure. 24 I don't disagree that that's what the witness 24 Α. At some time, yes. Α. 25 says. 25 Uh-huh. Define for me if you would what loss Page 131 Page 133 of control means. 1 Q. Sure. 1 2 Α. And that does happen where vehicles go to the 2 Α. Yes. It's a situation where the driver is 3 right, they go back to the left. Sometimes 3 unable to decide an effective choice of 4 vehicles go to the left, they come back to the [pat|path] that the vehicle is taking. 5 right. That does happen in some accidents. 5 Q. So the driver is no longer able to decide --6 Sure. But in your analysis, with the drag 6 And affect the change of course, or perhaps 0. it's braking for that matter also. 7 7 continuing on that right rear position on this 8 vehicle, both during and following the tread 8 Decide and affect a change? ٥. 9 separation event, had there been no steer 9 Yes. A desired change in direction of path or 10 input, the vehicle simply would have gone off 10 speed. 11 to the right-hand side of the road, correct? 11 So a driver is no longer able to decide and Q. 12 affect a desired direction change in path of a 12 Yes. It did go off to the right-hand side of Α. 13 the road. 13 vehicle? 14 Q. Right. And had there been no steer input to 14 Correct. Α. 15 the left by Mr. Below, it would have continued 15 Okay. Where on Exhibit 36 is Mr. Below no longer able to decide and affect a desired 16 to go to the right based on your analysis and 16 17 17 understanding of the accident, correct? direction and change of path of his vehicle? 18 Probably. I can't say for certain though. 18 A. Certainly at position A, and probably before Α. 19 Q. Well, more likely than not, correct? 19 that, but I don't have any other information to 20 Well, because you go -- you start to get -- if 20 place him on the drawing other than at the 21 21 start of the tire marks. you're going to the right, you get onto the 22 shoulder and to the grass. I can't say that it 22 0. So certainly at position A, he has then lost 23 would continue to go to the right throughout control and he's not going to regain it? 23 24 the event that you're hypothesizing where it 24 Correct. Α.

25

The reason the vehicle got into position A is a

25

went to the right originally.

_		Page 134			Page 136
1		result of at least one left steer input by	1		sequence the right rear tire lost its air
2		Mr. Below, correct?	2		pressure?
3	Α.	Well, it's his response to the tire failure.	3	Α.	Like I said, I didn't know exactly when it lost
4		I'd say it's the tire failure, and now we've	4		its air pressure. So no. The answer again is
5		talked about him trying to control the vehicle	5		no.
6		from the tire failure.	6	0	You're not going to offer the opinion that the
7			7	Q.	subject vehicle was defectively designed,
		But yes, I would say there's some	8		
8		steering input to the left.			correct?
9		MR. TAYLOR: I need to object to	9	Α.	You're correct. I am not going to.
10	_	everything except yes as nonresponsive.	10	Q.	Do you believe that the subject vehicle as it
11	Q.	The vehicle at position A on Exhibit 36 would	11		was loaded on the date of this accident was
12		not have been in that position but for a left	12		unstable?
13		steer input, correct?	13	A.	No. I don't believe it was unstable.
14		MR. ROGERS: Object to the form.	14	Q.	What's the basis of that opinion?
15	A.	I can't say that's a fact, no.	15	A.	Well, it had been driven. Seemed to me that it
16		MR. TAYLOR:	16		would be stable in the sense that it's a pickup
17	Q.	Would But for a left steer input and/or	17		truck pulling a trailer. I understand there's
18		braking in your opinion, right?	18		load on it, but I don't know exactly what the
19		MR. ROGERS: Object to the form of the	19		load is. But there was no report by the
20		question.	20		passenger of any instability.
21	A.	If you're taking that snippet at A?	21		There was no report by the witness
22		MR. TAYLOR:	22		behind that somehow the trailer was swinging
23	Q.	Yes.	23		back and forth before this event occurred.
24	A.	I would say that indicates some turning to the	24	Q.	And that's a good point. How would instability
25		left and perhaps some braking.	25		have manifested itself based on the loading of
		D 12F			7 128
l 1	٥.	Page 135 Both driver reactions, correct?	1		Page 137
1 2	Q. A.	Both driver reactions, correct? Yes.		Α.	this vehicle?
2	Α.	Both driver reactions, correct? Yes.	2	Α.	this vehicle? Well, if we had You're asking a
	-	Both driver reactions, correct? Yes. Did you measure the side force capability of		Α.	this vehicle? Well, if we had You're asking a hypothetical. If you had, let's say, too much
2 3 4	Α.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or	2 3 4	Α.	this vehicle? Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer
2 3 4 5	A. Q.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?	2 3 4 5	Α.	this vehicle?  Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could
2 3 4 5	A. Q.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?  No.	2 3 4 5 6	Α.	this vehicle? Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could have then a situation where the trailer would
2 3 4 5 6 7	A. Q.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?  No.  And you're not going to offer any opinions as	2 3 4 5 6	Α.	this vehicle? Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could have then a situation where the trailer would move side to side, that would be manifest in
2 3 4 5 6 7 8	A. Q.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?  No.  And you're not going to offer any opinions as to the severity or the magnitude of any pull to	2 3 4 5 6 7 8	Α.	this vehicle? Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could have then a situation where the trailer would move side to side, that would be manifest in observations made by others of the way that it
2 3 4 5 6 7 8 9	A. Q.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?  No.  And you're not going to offer any opinions as to the severity or the magnitude of any pull to the right on this vehicle as a result of the	2 3 4 5 6 7 8	Α.	this vehicle? Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could have then a situation where the trailer would move side to side, that would be manifest in observations made by others of the way that it was being pulled. The driver would sense that
2 3 4 5 6 7 8 9	A. Q. A. Q.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?  No.  And you're not going to offer any opinions as to the severity or the magnitude of any pull to the right on this vehicle as a result of the tread separation event, correct?	2 3 4 5 6 7 8 9	Α.	this vehicle? Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could have then a situation where the trailer would move side to side, that would be manifest in observations made by others of the way that it was being pulled. The driver would sense that as far as a trailer contributing to
2 3 4 5 6 7 8 9 10	A. Q. A.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?  No.  And you're not going to offer any opinions as to the severity or the magnitude of any pull to the right on this vehicle as a result of the tread separation event, correct?  As to numbers, no, I'm not.	2 3 4 5 6 7 8 9 10	Α.	this vehicle? Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could have then a situation where the trailer would move side to side, that would be manifest in observations made by others of the way that it was being pulled. The driver would sense that as far as a trailer contributing to instability.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Q. A. Q. A.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?  No.  And you're not going to offer any opinions as to the severity or the magnitude of any pull to the right on this vehicle as a result of the tread separation event, correct?  As to numbers, no, I'm not.  Are you going to quantify it in any other manner?  We've already talked about it's my opinion there's some drag.	2 3 4 5 6 7 8 9 10 11 12 13 14	Α.	Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could have then a situation where the trailer would move side to side, that would be manifest in observations made by others of the way that it was being pulled. The driver would sense that as far as a trailer contributing to instability.  If you're talking about the pickup itself, certainly going around corners, if the truck was unstable, there would be excessive leaning, potential tipping over at that
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q. A.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?  No.  And you're not going to offer any opinions as to the severity or the magnitude of any pull to the right on this vehicle as a result of the tread separation event, correct?  As to numbers, no, I'm not.  Are you going to quantify it in any other manner?  We've already talked about it's my opinion there's some drag.  Right.  But I haven't given any numbers. I don't know any numbers.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A.	this vehicle?  Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could have then a situation where the trailer would move side to side, that would be manifest in observations made by others of the way that it was being pulled. The driver would sense that as far as a trailer contributing to instability.  If you're talking about the pickup itself, certainly going around corners, if the truck was unstable, there would be excessive leaning, potential tipping over at that location.  I didn't see any sign from any facts I've seen in this case that the pickup by
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A. Q.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?  No.  And you're not going to offer any opinions as to the severity or the magnitude of any pull to the right on this vehicle as a result of the tread separation event, correct?  As to numbers, no, I'm not.  Are you going to quantify it in any other manner?  We've already talked about it's my opinion there's some drag.  Right.  But I haven't given any numbers. I don't know any numbers.  Okay. I may have asked you this. I apologize if I have. And I'm not trying to see if you answer the same way like that other lawyer did you were telling me about.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22		Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could have then a situation where the trailer would move side to side, that would be manifest in observations made by others of the way that it was being pulled. The driver would sense that as far as a trailer contributing to instability.  If you're talking about the pickup itself, certainly going around corners, if the truck was unstable, there would be excessive leaning, potential tipping over at that location.  I didn't see any sign from any facts I've seen in this case that the pickup by itself or with the attached trailer was unstable.  Did you do any analysis of the handling or steering properties of the GMC pickup involved
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q. A. A.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?  No.  And you're not going to offer any opinions as to the severity or the magnitude of any pull to the right on this vehicle as a result of the tread separation event, correct?  As to numbers, no, I'm not.  Are you going to quantify it in any other manner?  We've already talked about it's my opinion there's some drag.  Right.  But I haven't given any numbers. I don't know any numbers.  Okay. I may have asked you this. I apologize if I have. And I'm not trying to see if you answer the same way like that other lawyer did you were telling me about.  Right.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q.	Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could have then a situation where the trailer would move side to side, that would be manifest in observations made by others of the way that it was being pulled. The driver would sense that as far as a trailer contributing to instability.  If you're talking about the pickup itself, certainly going around corners, if the truck was unstable, there would be excessive leaning, potential tipping over at that location.  I didn't see any sign from any facts I've seen in this case that the pickup by itself or with the attached trailer was unstable.  Did you do any analysis of the handling or steering properties of the GMC pickup involved in this accident with four good tires?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Q. A. Q. A. Q. A. Q.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?  No.  And you're not going to offer any opinions as to the severity or the magnitude of any pull to the right on this vehicle as a result of the tread separation event, correct?  As to numbers, no, I'm not.  Are you going to quantify it in any other manner?  We've already talked about it's my opinion there's some drag.  Right.  But I haven't given any numbers. I don't know any numbers.  Okay. I may have asked you this. I apologize if I have. And I'm not trying to see if you answer the same way like that other lawyer did you were telling me about.  Right.  Let me ask a clean question. Do you have an	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q.	this vehicle?  Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could have then a situation where the trailer would move side to side, that would be manifest in observations made by others of the way that it was being pulled. The driver would sense that as far as a trailer contributing to instability.  If you're talking about the pickup itself, certainly going around corners, if the truck was unstable, there would be excessive leaning, potential tipping over at that location.  I didn't see any sign from any facts I've seen in this case that the pickup by itself or with the attached trailer was unstable.  Did you do any analysis of the handling or steering properties of the GMC pickup involved in this accident with four good tires?  No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q. A.	Both driver reactions, correct?  Yes.  Did you measure the side force capability of the right rear tire in either inflated or uninflated condition?  No.  And you're not going to offer any opinions as to the severity or the magnitude of any pull to the right on this vehicle as a result of the tread separation event, correct?  As to numbers, no, I'm not.  Are you going to quantify it in any other manner?  We've already talked about it's my opinion there's some drag.  Right.  But I haven't given any numbers. I don't know any numbers.  Okay. I may have asked you this. I apologize if I have. And I'm not trying to see if you answer the same way like that other lawyer did you were telling me about.  Right.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q.	Well, if we had You're asking a hypothetical. If you had, let's say, too much weight on the trailer rear of the trailer and not enough tongue weight, and you could have then a situation where the trailer would move side to side, that would be manifest in observations made by others of the way that it was being pulled. The driver would sense that as far as a trailer contributing to instability.  If you're talking about the pickup itself, certainly going around corners, if the truck was unstable, there would be excessive leaning, potential tipping over at that location.  I didn't see any sign from any facts I've seen in this case that the pickup by itself or with the attached trailer was unstable.  Did you do any analysis of the handling or steering properties of the GMC pickup involved in this accident with four good tires?

l .					
1		Page 138 of the subject vehicle with four good tires on	1		Page 140 Easton early on, we had some Corvair cases, and
2		it?	2		I worked with Professor Easton and there's
l	70				
3	Α.	No.	3		some allegations about the Corvair being
4	Q.	Are you aware of whether or not the subject	4	_	defective.
5		vehicle would transition to an oversteer	5	Q.	Fair enough. Other than the Corvair?
6	_	vehicle with a right rear tire failure?	6	Α.	Talking passenger cars, I'd say probably not.
7	A.	Do I know?	7		I don't recall one.
8	Q.	Yes, sir.	8	Q.	How about Ford or Volvo; did you defend them
9	A.	No. I don't know.	9		against allegations of design or manufacturing
10	Q.	Have you ever been in a vehicle as a driver or	10		defect?
11		passenger that suffered a tread and top belt	11	A.	In the Ford cases, those were reconstructions,
12		detachment?	12		and the Volvo I believe was too.
13		THE COURT REPORTER: Tread?	13	Q.	Have you been asked to testify at trial?
14		MR. TAYLOR:	14	A.	No.
15	Q.	Detachment? Tread and top belt detachment?	15	Q.	Does most of your work occur in the state of
16	A.	No.	16		Wisconsin?
17	Q.	Have you ever been present for any testing	17	A.	Right now probably, yes.
18		where tread and top belts have been purposely	18	Q.	How long has that been the case?
19		detached from passenger vehicles?	19	A.	Probably the last Well, it started out
20	A.	No.	20		originally back in 46 years ago it was
21	Q.	Have you performed any computer simulations of	21		mostly Wisconsin.
22		this accident?	22	Q.	Sure.
23	A.	No.	23	A.	But then I've been in just about every state,
24	Q.	Have you done any animations of this accident?	24		three countries.
25	A.	No.	25		But right now I would say mostly the
l					
		Page 139			Page 141
1	Q.	Page 139 Do you intend to?	1		Page 141 Midwest and Wisconsin.
<b>1</b> 2	Q. A.		1 2	Q.	_
l		Do you intend to?		Q.	Midwest and Wisconsin.
2	Α.	Do you intend to? No.	2	Q.	Midwest and Wisconsin.  In those other cases where you had done
2 <b>3</b>	Α.	Do you intend to? No. Have you ever worked for a company or	2	Q.	Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire
2 3 4	Α.	No.  Have you ever worked for a company or government agency that has responsibility for	2 3 4	Q.	Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire failures, were all of those steel-belted radial
2 3 4 5	Α.	No.  Have you ever worked for a company or government agency that has responsibility for overseeing any aspect of safety related to	2 3 4 5	Q. A.	Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire failures, were all of those steel-belted radial tires, or were some of those also bias-ply
2 3 4 5 6	A. Q.	No.  Have you ever worked for a company or government agency that has responsibility for overseeing any aspect of safety related to passenger vehicles or their component parts?	2 3 4 5 6		Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire failures, were all of those steel-belted radial tires, or were some of those also bias-ply tires?  Excuse me. I have not testified in all those
2 3 4 5 6 7 8	A. Q.	No.  Have you ever worked for a company or government agency that has responsibility for overseeing any aspect of safety related to passenger vehicles or their component parts?  No.  Ever worked for an automobile manufacturer?	2 3 4 5 6		Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire failures, were all of those steel-belted radial tires, or were some of those also bias-ply tires?  Excuse me. I have not testified in all those places or analyzed in all those places failures
2 3 4 5 6 7	A. Q. A. Q.	No.  Have you ever worked for a company or government agency that has responsibility for overseeing any aspect of safety related to passenger vehicles or their component parts?  No.	2 3 4 5 6 7 8		Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire failures, were all of those steel-belted radial tires, or were some of those also bias-ply tires?  Excuse me. I have not testified in all those
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. A. Q.	No.  Have you ever worked for a company or government agency that has responsibility for overseeing any aspect of safety related to passenger vehicles or their component parts?  No.  Ever worked for an automobile manufacturer?  Not as a direct employee, no.  Have you testified as an expert on behalf of vehicle manufacturers in the past?  I have.  Which ones?  General Motors, it was Jeep AMC at that time.  I've had some work with Ford. There probably was a Volvo in my past.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A.	Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire failures, were all of those steel-belted radial tires, or were some of those also bias-ply tires?  Excuse me. I have not testified in all those places or analyzed in all those places failures of tires. I thought you were talking about accident reconstruction analysis work.  I was.  I don't recall any Maybe there was one in lowa back when the Firestone steel-belted tires were failing where I did some reconstruction
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Q. A. Q.	No.  Have you ever worked for a company or government agency that has responsibility for overseeing any aspect of safety related to passenger vehicles or their component parts?  No.  Ever worked for an automobile manufacturer?  Not as a direct employee, no.  Have you testified as an expert on behalf of vehicle manufacturers in the past?  I have.  Which ones?  General Motors, it was Jeep AMC at that time.  I've had some work with Ford. There probably	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Q.	Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire failures, were all of those steel-belted radial tires, or were some of those also bias-ply tires?  Excuse me. I have not testified in all those places or analyzed in all those places failures of tires. I thought you were talking about accident reconstruction analysis work.  I was.  I don't recall any Maybe there was one in Iowa back when the Firestone steel-belted tires were failing where I did some reconstruction work, but I don't recall any in some other state other than Wisconsin.  And let's break it down a little bit. I think
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. A. Q. A.	No.  Have you ever worked for a company or government agency that has responsibility for overseeing any aspect of safety related to passenger vehicles or their component parts?  No.  Ever worked for an automobile manufacturer?  Not as a direct employee, no.  Have you testified as an expert on behalf of vehicle manufacturers in the past?  I have.  Which ones?  General Motors, it was Jeep AMC at that time.  I've had some work with Ford. There probably was a Volvo in my past.  Those would be the names that come to mind.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A.	Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire failures, were all of those steel-belted radial tires, or were some of those also bias-ply tires?  Excuse me. I have not testified in all those places or analyzed in all those places failures of tires. I thought you were talking about accident reconstruction analysis work.  I was.  I don't recall any Maybe there was one in Iowa back when the Firestone steel-belted tires were failing where I did some reconstruction work, but I don't recall any in some other state other than Wisconsin.  And let's break it down a little bit. I think what you told me earlier was that you had
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Q. A. Q. A.	No.  Have you ever worked for a company or government agency that has responsibility for overseeing any aspect of safety related to passenger vehicles or their component parts?  No.  Ever worked for an automobile manufacturer?  Not as a direct employee, no.  Have you testified as an expert on behalf of vehicle manufacturers in the past?  I have.  Which ones?  General Motors, it was Jeep AMC at that time.  I've had some work with Ford. There probably was a Volvo in my past.  Those would be the names that come to mind.  Which particular Ford product were you defending?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A.	Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire failures, were all of those steel-belted radial tires, or were some of those also bias-ply tires?  Excuse me. I have not testified in all those places or analyzed in all those places failures of tires. I thought you were talking about accident reconstruction analysis work.  I was.  I don't recall any Maybe there was one in Iowa back when the Firestone steel-belted tires were failing where I did some reconstruction work, but I don't recall any in some other state other than Wisconsin.  And let's break it down a little bit. I think what you told me earlier was that you had investigated some 20 or 30 other accidents in your history that involved some type of tire
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A.	No.  Have you ever worked for a company or government agency that has responsibility for overseeing any aspect of safety related to passenger vehicles or their component parts?  No.  Ever worked for an automobile manufacturer?  Not as a direct employee, no.  Have you testified as an expert on behalf of vehicle manufacturers in the past?  I have.  Which ones?  General Motors, it was Jeep AMC at that time.  I've had some work with Ford. There probably was a Volvo in my past.  Those would be the names that come to mind.  Which particular Ford product were you defending?  I wasn't defending the product. Was reconstructing the accident.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A.	Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire failures, were all of those steel-belted radial tires, or were some of those also bias-ply tires?  Excuse me. I have not testified in all those places or analyzed in all those places failures of tires. I thought you were talking about accident reconstruction analysis work.  I was.  I don't recall any Maybe there was one in Iowa back when the Firestone steel-belted tires were failing where I did some reconstruction work, but I don't recall any in some other state other than Wisconsin.  And let's break it down a little bit. I think what you told me earlier was that you had investigated some 20 or 30 other accidents in your history that involved some type of tire failure event?  Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Q. A. Q. A.	No.  Have you ever worked for a company or government agency that has responsibility for overseeing any aspect of safety related to passenger vehicles or their component parts?  No.  Ever worked for an automobile manufacturer?  Not as a direct employee, no.  Have you testified as an expert on behalf of vehicle manufacturers in the past?  I have.  Which ones?  General Motors, it was Jeep AMC at that time.  I've had some work with Ford. There probably was a Volvo in my past.  Those would be the names that come to mind.  Which particular Ford product were you defending?  I wasn't defending the product. Was reconstructing the accident.  Did you ever defend a GM product from	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A.	Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire failures, were all of those steel-belted radial tires, or were some of those also bias-ply tires?  Excuse me. I have not testified in all those places or analyzed in all those places failures of tires. I thought you were talking about accident reconstruction analysis work.  I was.  I don't recall any Maybe there was one in Iowa back when the Firestone steel-belted tires were failing where I did some reconstruction work, but I don't recall any in some other state other than Wisconsin.  And let's break it down a little bit. I think what you told me earlier was that you had investigated some 20 or 30 other accidents in your history that involved some type of tire failure event?  Correct.  And what I want to know now is, of those 20 or
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Q. A. Q. A.	No.  Have you ever worked for a company or government agency that has responsibility for overseeing any aspect of safety related to passenger vehicles or their component parts?  No.  Ever worked for an automobile manufacturer?  Not as a direct employee, no.  Have you testified as an expert on behalf of vehicle manufacturers in the past?  I have.  Which ones?  General Motors, it was Jeep AMC at that time.  I've had some work with Ford. There probably was a Volvo in my past.  Those would be the names that come to mind.  Which particular Ford product were you defending?  I wasn't defending the product. Was reconstructing the accident.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A.	Midwest and Wisconsin.  In those other cases where you had done reconstructions of accidents involving tire failures, were all of those steel-belted radial tires, or were some of those also bias-ply tires?  Excuse me. I have not testified in all those places or analyzed in all those places failures of tires. I thought you were talking about accident reconstruction analysis work.  I was.  I don't recall any Maybe there was one in Iowa back when the Firestone steel-belted tires were failing where I did some reconstruction work, but I don't recall any in some other state other than Wisconsin.  And let's break it down a little bit. I think what you told me earlier was that you had investigated some 20 or 30 other accidents in your history that involved some type of tire failure event?  Correct.

Page 142 combination of those two? A. I simply don't remarker. I know I did some reconstruction work on when the Firestone steel-belted tires were separating, but I — 1'd say — Well, early on we still had some bias-ply tires. But most of my work is consentrated on whether there was a ratal in the fire or something of that nature, rather than ply separations. So whether they were steel-belted or not I simply don't remember, other than the rive or something of that nature, rather than ply separations. So whether they were steel-belted or not I simply don't remember, other than the remember too addl many other and play separation. So whether they were steel-belted or not I simply don't remember, other than the remember too addl many other and play separation. Right. Did the Firestone tires fail by tread and top belt detachment? A. No. And perhaps it was 30 to 40. Serry. Sorry. Sorr			7 140			
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3 A. I simply don't remember. I know I did some 4 reconstruction work on when the Firestone 5 steel-belted tires were separating, but I - 6 I'd say - Well, early on we still had some 6 concentrated on whether there was a nail in the 9 tire or something of that nature, rather than 10 ply separations. 11 So whether there was a nail in the 12 ply separations. 13 A. But don't have a marber in mind. 14 O. Right. Did the Firestone three I resember some of those. 14 O. Right. Did the Firestone tires fail by tread 15 A. By what? 17 Q. Tread and top belt detachment? 18 A. But that I recall. Sat that was I didn't 19 analyze the reason for the failures. I was 19 involved in the reconstructions of the 20 involved in the reconstruction, would you look at how the 21 accidents. 22 Q. I understand. And in part of your analysis of 23 A. But that was not my area. Usually the tires 24 were then sent to other people to analyze. 25 A. Generally, yes.  Page 145 26 a. Detaction, but like in this case, somebody 27 else is going to tell the ladies and gentlemen 28 A. I expect so. 29 Q. Not you? 21 A. Not me. 21 Q. That is not your job? 3 A. There were a spart the way it 3 did, correct. 3 A. But that is not your job? 4 A. Not me. 4 Q. Clay. My point is, I want to talk to you about 4 analysis was that there was a tire event 4 involved a tread and top belt detachment? 4 A. Not me. 5 A. Remerally, yes.  Page 145 5 analysis is this case? 5 A. Generally, yes.  Page 145 6 C. Word was a seal and to the detachment of the jury on behalf on the Plaintiffs why 6 they believe the tire came apart the way it 6 did, correct? 9 A. I expect so. 9 A. I expect and top belt detachment as we see in the tire in this case? 10 Q. Or those, on you tell us how many have 11 and top belt detachment? 12 and top belt detachment? 13 A. But that was not my warea. 14 C. Clay. My point is, I want to talk to you about the search part of the analysis was that there was a tire event 15 and the preve	1			-		-
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Steel-belted tires were separating, but I - 1 day - Well, early on we still had sone had been ply tires. But most of my work is concentrated on whether there was a nail in the tire or something of that nature, rather than ply separations.   Note that I may be the term of the plant of the sandyse the reconstructions work to said had been to something of the that was - I didn't analyze the resone for the failures. I was involved in the reconstructions of the accident pools. Other than the Firestone tires fail by tread and top belt detachment?   Note that I reconstructions of the accident pools. Other than the Firestone tires back in the exconstruction, would you look at how the tire may have failed, by what means?   Note that was not my area. Usually the tires were then sent to other people to analyze.   Page 143   Centrally, yes.   Note that is not your job?   Note the important of the accident reconstructions that part of the accident reconstructions that part of the analysis was that there was a tire event involved. Okay. Ny point is, I want to talk to you about accident reconstructions that part of the analysis was that there was a tire event involved in the reconstructions where you've been the accident reconstructions where you've been the see in the tire in this case?   Note of the purp on behalf on the Plaintiffs why they believe the tire came apart the way it accident reconstructions where you've been the accident reconstructions where you've been t	1	11.		-	Δ	- I
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tire or something of that nature, rather than ply separations.  So whether they were steel-belted or not I simply don't remember, other than the Firestone where it was ply and tread amount of the firestone tires. I remember some of those.  The standard top belt detachment?  A By what?  Not that I recall. But that was — I didn't analyze the reason for the failures. I was involved in the reconstructions of the accidents.  The reconstruction, would you look at how the reconstruction, would you look at how the reconstruction, would you look at how the what I remay have failed, by what means?  A Generally, yes.  Page 143  Q. Cr mode?  Q. Tamderstand. And in part of your analysis of the reconstruction, would you look at how the what it is a were then sent to other people to analyze.  Q. Pair enough. Just like in this case, somebody else is going to tell the ladies and gentlemen of the jury on behalf on the Plaintiffs why the believe the tire came apart the way it did, correct?  A L Depect so.  Page 143  A L Depect so.  Page 143  A L Depect so.  Page 145  A L Depect so.  Page 146  A L Depect so.  Page 147  A L Depect so.  Page 148  A L Depect so.  Page 149  A L Depect so.  Page 145  A L Depect so.  Page 146  A L Depect so.  Page 147  A L Depect so.  Page 148  A L Depect so.  Pag	1					<del>-</del>
other than the Firestone where it was ply and tread separation.  So whether they were steel-belted or the proper than the Firestone tires. I remember, other than the Firestone tires in this case, somebody else is going to tell the ladies and gentlemen of the jury on behalf on the Paire from each of the jury on behalf on the Pairetiffe way it they believe the tire came apart the way it did, correct?  Not you?  Not you?  Not you?  Not you?  Not can be proper to the failures. I was involved in the reconstructions of the plant of the purp to the proper to analyze. See in the tree came apart the way it did, correct?  A not part than the Firestone where it was ply and tread separation.  Other than the Firestone where it was ply and tread separation.  Othay.  Other than the Firestone where it was ply and tread separation.  Othay.  Other than the Firestone where it was ply and tread separation.  Othay.  Othay.  Other than the Firestone where it was ply and tread separation.  Othay.  Othay.  Other than the Firestone where it was ply and tread separation.  Othay.  Othay.  Other than the Firestone where it was ply and tread separation.  Othay.  Othay.  Other than the Firestone where it was ply and tread separation.  Othay.  Other than the Firestone where it was life and the place of the prive one balle by tread and top belt detachment?  Other than the Firestone where in thind.  Othay.  Other than the Firestone where it was life and phalf the place of the prive one balled by tread and top belt detachment?  Other than the Firestone where in mind.  Othay.  Other than the Firestone where in mind.  Other than the Firestone where in mind.  Other than the Firestone where in mind.  Other than the Firestone where in wind.  Other than the Firestone w	1				А.	•
11 So whether they were steel-belted or not I simply don't remember, other than the 13 Firestone tires. I remember some of those. 14 Q. Right. Did the Firestone tires fail by tread and top belt detachment? 15 and top belt detachment? 16 \( \lambda \). By what? 17 Q. Tread and top belt detachment? 18 \( \lambda \). Not that I recall. But that was I didn't 1 analyze the reason for the failures. I was 19 involved in the reconstructions of the accidents. 20 involved in the reconstructions of the accidents. 21 quiderstand. And in part of your analysis of the reconstruction, would you look at how the 21 tire may have failed, by what means? 22 \( \text{A} \). To the parts I evaluated that pertain to what 1 tire may have failed, by what means? 23 \( \text{A} \). But that was not my area. Usually the tires 3 were then sent to other people to analyze. 4 Q. Fair enough. Just like in this case, semebody 4 they believe the tire came apart the way it 6 did, correct? 4 Q. Not you? 4 Q. Not you? 5 A. I expect so. 6 A. By that is not your job? 7 That is not your job? 8 A. I expect so. 9 A. I expect so. 9 A. T expect so. 9 That is not your job? 10 Q. Not you? 10 Q. Not you? 10 Q. Not you? 11 A. Not me. 12 Q. That is not your job? 13 A. That's right. 14 Q. Okay. My point is, I want to talk to you about accident reconstructions where you've been the accident reconstructions that an every involved a tread and top belt detachment as we see in the tire in this case? 20 Q. Ot those, can you tall us how many have involved a tread and top belt detachment as we see in the tire in this case? 2	1					· · · · · · · · · · · · · · · · · · ·
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tire may have failed, by what means?  A. Generally, yes.  Page 143  Q. Or mode?  A. But that was not my area. Usually the tires were then sent to other people to analyze.  Q. Fair enough. Just like in this case, somebody else is going to tell the ladies and gentlemen of the jury on behalf on the Plaintiffs why they believe the tire came apart the way it did, correct?  A. I expect so.  Q. Not you?  A. Not me.  Q. That is not your job?  A. That is not your job?  A. That is right.  Q. Okay. My point is, I want to talk to you about accident reconstructions where you've been the accident reconstructions where you've been the inwolved. Okay?  A. To the parts I evaluated that pertain to what I 'I've done and to the degree that I could  Page 145  A saccertain what he did, no. His speed calculation was 55 to 63 miles per hour. I don't know the methodology he applied, but the results are similar to mine.  The whole other topics that he discussed I didn't I don't recall one way or the other to comment accordingly. But on the reconstruction aspects, his drawing looks like my drawing. His speed calculations are very similar to mine. Or I should say the results.  I don't know what he did in detail to arrive at the same top number that I did.  Q. What your job?  A. Wes.  Q. How and why the vehicle became oriented in that particular position is where you guys would differ, is that correct?  A. No.  When you gave me the number of 20 or 30 earlier  24 A. No.  25 A. No.  26 A. To the parts I cvaluated that to dead to he degree that I could  Page 145  ascertain what he did, no. His speed calculation with the methodology he applied, but the results are similar to mine.  I don't know the methodology he applied, but the results are similar to mine.  The whole other topics that he discussed I didn't I don't recall one way or the other to comment accordingly. But on the reconstruction aspects, his drawing looks like my drawing. His speed calculations are very similar to mine.  Q. But purely talking about how the vehicle moved thr	22	Q.	I understand. And in part of your analysis of	22	Q.	Do you have any criticisms of Mr. Beauchamp's
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24 Q. When you gave me the number of 20 or 30 earlier 24 analyzed that to that degree other than what	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. A. Q. A.	Or mode? But that was not my area. Usually the tires were then sent to other people to analyze. Fair enough. Just like in this case, somebody else is going to tell the ladies and gentlemen of the jury on behalf on the Plaintiffs why they believe the tire came apart the way it did, correct? I expect so. Not you? Not me. That is not your job? That's right. Okay. My point is, I want to talk to you about accident reconstructions where you've been the analysis was that there was a tire event involved. Okay? Yes. Of those, can you tell us how many have involved a tread and top belt detachment as we	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	А. <b>Q.</b>	ascertain what he did, no. His speed calculation was 55 to 63 miles per hour. I don't know the methodology he applied, but the results are similar to mine.  The whole other topics that he discussed I didn't I don't recall one way or the other to comment accordingly. But on the reconstruction aspects, his drawing looks like my drawing. His speed calculations are very similar to mine. Or I should say the results. I don't know what he did in detail to arrive at the same top number that I did.  But purely talking about how the vehicle moved through these tire marks, the number of rolls and the speed calculations, that analysis from Mr. Beauchamp is very similar to your analysis? Yes.  How and why the vehicle became oriented in that particular position is where you guys would differ, is that correct?  I haven't studied enough in detail. He has a
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		2 146			D 140
1		Page 146 your questions today.	1	Q.	Page 148  Do you know anything about Mr. Below's cell
2	Q.	Sure.	2	χ.	phone use just prior to the accident?
3	<b>Α.</b>	So I can't comment on his report further.	3	Α.	No.
4	0.	Okay. And that's what I'm getting to, is I	4	٥.	With regard to the speeds of the vehicle as it
5	χ.	need to understand at the time of trial, are	5	χ.	was traveling down I-94 westbound, can you tell
6		you going to come in and offer any additional	6		the ladies and gentlemen of the jury any speed
7		opinions as to any effect the failure of the	7		that Mr. Below may have been traveling prior to
8		right rear tire may have had on the handling	8		the first tire mark?
9		and controllability of Mr. Below's pickup	9	Α.	Depends whether or not I consider with the
10		truck, other than what we talked about so	10	n.	witness that was following said.
11		far?	11	Q.	Uh-huh.
12	Α.	No.	12	<b>Δ.</b> Α.	If we're just talking about the physical facts,
13	Q.	Have you consulted with any of the other	13	n.	the answer is no, not without further
14	Q.	experts that have been retained by Mr. Below's	14		assumptions.
15		attorneys as to their opinions on the effect	15		If we go by what the witnesses would
16		the right rear tire failure may have had on the	16		
1				0	indicate, yes, I could.
17 18		handling and stability of the Below pickup truck?	17 18	Q.	The physical facts are what you told us you
1	7				believe his speeds were at the time of the
19	Α.	No.	19	7	first tire mark, correct?
20	Q.	You would agree that a tread separation on a right rear tire on a 2005 GMC pickup truck such	20 <b>21</b>	Α.	Correct.
22		as this could be a controllable event?	22	Q.	Other than that, you've got a witness that was
	7		23		traveling behind him who estimated his speed,
23	Α.	It's a possibility, yes, I agree.		70	is that right?
24	Q.	Did I ask you if you were going to offer any	24	Α.	Yes.
25		opinions on warnings?	25	Q.	And do you know the qualifications of that
1	Δ	Page 147	1		Page 149
1	Α.	You did, and I'm not.	1 2	Δ	individual to estimate speeds?
2	Q.	You did, and I'm not.  And you said no. Okay. Good.	2	Α.	individual to estimate speeds? I don't know if it's qualifications. I
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<b>2</b> 3 <b>4</b>	Q.	You did, and I'm not.  And you said no. Okay. Good.  Cross off another page, please.  How about we take a break? Mind if we go off	2 3 4	A.	<pre>individual to estimate speeds? I don't know if it's qualifications. I remember the statement that the witness who was in the left lane was in the process of passing</pre>
2 3 4 5	Q. A. Q.	You did, and I'm not.  And you said no. Okay. Good.  Cross off another page, please.  How about we take a break? Mind if we go off the record?	2 3 4 5	Α.	individual to estimate speeds?  I don't know if it's qualifications. I remember the statement that the witness who was in the left lane was in the process of passing Mr. Below's truck. So I don't know about
2 3 4 5 6	Q. A.	You did, and I'm not.  And you said no. Okay. Good.  Cross off another page, please.  How about we take a break? Mind if we go off the record?  No. I don't mind at all.	2 3 4 5 6	Α.	individual to estimate speeds?  I don't know if it's qualifications. I remember the statement that the witness who was in the left lane was in the process of passing Mr. Below's truck. So I don't know about qualifications to make an observation that
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q.	You did, and I'm not.  And you said no. Okay. Good.  Cross off another page, please.  How about we take a break? Mind if we go off the record?  No. I don't mind at all.  MR. TAYLOR: Great.  THE VIDEOGRAPHER: Going off the record at 12:13 p.m.  (A break was taken from 12:13 to 12:33.)  THE VIDEOGRAPHER: We are back on the record at 12:33.  MR. TAYLOR:  Mr. Skogen, are you ready to continue?  Yes, sir.  Great.  Do you know anything about whether the radio was on in the vehicle just prior to the accident?  No, sir.  Do you know anything about where Mr. Below's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q.	Individual to estimate speeds?  I don't know if it's qualifications. I remember the statement that the witness who was in the left lane was in the process of passing Mr. Below's truck. So I don't know about qualifications to make an observation that the witness who was passing was going faster than Mr. Below. Beyond that I have no response.  In terms of how fast Mr. Below had traveled while going down Interstate 94 prior to that witness coming behind him, do you have any information about that?  No.  Do you have any information with regard to the care and maintenance of the subject vehicle?  No.  Do you have any information with regard to the care and maintenance of the subject tire?  No.  Are you going to drive on the interstate today, sir?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A. Q.	You did, and I'm not.  And you said no. Okay. Good.  Cross off another page, please.  How about we take a break? Mind if we go off the record?  No. I don't mind at all.  MR. TAYLOR: Great.  THE VIDEOGRAPHER: Going off the record at 12:13 p.m.  (A break was taken from 12:13 to 12:33.)  THE VIDEOGRAPHER: We are back on the record at 12:33.  MR. TAYLOR:  Mr. Skogen, are you ready to continue?  Yes, sir.  Great.  Do you know anything about whether the radio was on in the vehicle just prior to the accident?  No, sir.  Do you know anything about where Mr. Below's hands were on the steering wheel just prior to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. A. Q. A. Q. A.	Individual to estimate speeds?  I don't know if it's qualifications. I remember the statement that the witness who was in the left lane was in the process of passing Mr. Below's truck. So I don't know about qualifications to make an observation that the witness who was passing was going faster than Mr. Below. Beyond that I have no response.  In terms of how fast Mr. Below had traveled while going down Interstate 94 prior to that witness coming behind him, do you have any information about that?  No.  Do you have any information with regard to the care and maintenance of the subject vehicle?  No.  Do you have any information with regard to the care and maintenance of the subject tire?  No.  Are you going to drive on the interstate today, sir?  No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q.	You did, and I'm not.  And you said no. Okay. Good.  Cross off another page, please.  How about we take a break? Mind if we go off the record?  No. I don't mind at all.  MR. TAYLOR: Great.  THE VIDEOGRAPHER: Going off the record at 12:13 p.m.  (A break was taken from 12:13 to 12:33.)  THE VIDEOGRAPHER: We are back on the record at 12:33.  MR. TAYLOR:  Mr. Skogen, are you ready to continue?  Yes, sir.  Great.  Do you know anything about whether the radio was on in the vehicle just prior to the accident?  No, sir.  Do you know anything about where Mr. Below's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. A. Q. A. Q.	Individual to estimate speeds?  I don't know if it's qualifications. I remember the statement that the witness who was in the left lane was in the process of passing Mr. Below's truck. So I don't know about qualifications to make an observation that the witness who was passing was going faster than Mr. Below. Beyond that I have no response.  In terms of how fast Mr. Below had traveled while going down Interstate 94 prior to that witness coming behind him, do you have any information about that?  No.  Do you have any information with regard to the care and maintenance of the subject vehicle?  No.  Do you have any information with regard to the care and maintenance of the subject tire?  No.  Are you going to drive on the interstate today, sir?

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Page 150
                                                                                                             Page 152
         When you're driving on Interstate 94, will you
                                                                      have not asked you about today?
 1
    0.
                                                             1
2
          be wearing your seat belt?
                                                             2
                                                                      No.
                                                                Α.
3
                                                             3
                                                                      Have you told me the basis of all of the
    Α.
 4
    Q.
         Do you consider your seat belt use to be a
                                                             4
                                                                      opinions that you do intend to offer at the
 5
          prudent thing to do?
                                                             5
                                                                      time of trial?
 6
          Prudent might be a legal term, and I'll defer
    Α.
                                                             6
                                                                Α.
                                                                      Yes.
          to others on that. But I consider it a safe
 7
                                                             7
                                                                               MR. TAYLOR: With that I will reserve
 8
                                                             8
                                                                      the remainder of my questions till the time of
          thing to do.
9
                                                                      trial, and I will pass the witness.
    Q.
         Do you consider wearing a seat belt a safe
                                                             9
10
          thing to do?
                                                            10
                                                                                E-X-A-M-I-N-A-T-I-O-N
11
         Yes, I do.
                                                            11
                                                                 BY MR. ROGERS:
    Α.
12
         Do you make people riding in your vehicle wear
                                                            12
                                                                 Q.
                                                                      I just have a clarification question, sir.
13
                                                            13
                                                                      During your investigation and work on this
          their seat belts?
14
         Well, to the degree that I can make them. My
                                                            14
                                                                      case, did you make a determination as to when
15
          children certainly have to wear their seat
                                                            15
                                                                      the accident sequence began in this crash?
         belts, and I highly recommend and suggest
16
                                                            16
17
          strongly that who's ever a passenger in my
                                                            17
                                                                ٥.
                                                                      And what is that?
18
          vehicle wears their seat belt. But I'm not
                                                                      When the tire failed, the right rear tire
                                                            18
19
          sure I can make them wear their seat belt.
                                                            19
                                                                      failed.
20
         I won't pull away from a curb unless
                                                            20
                                                                               MR. ROGERS: That's all I have. Thank
21
          everybody's belted. Will you?
                                                            21
                                                                      you.
                                                            22
22
    Α.
          I have done so, yes.
                                                                                E-X-A-M-I-N-A-T-I-O-N
23
         Is that a safe thing to do?
                                                            23
                                                                BY MR. TAYLOR:
    Q.
24
                   MR. ROGERS: Object to the form.
                                                            24
                                                                      And you can't tell us where the right rear
25
    Α.
         Pull away from the curb without people all
                                                            25
                                                                      tire -- Strike that. You can't tell us
                                                                                                             Page 153
                                                Page 151
          wearing their seat belts?
                                                                      where in space or in time the right rear tire
1
                                                             1
 2
                   MR. TAYLOR:
                                                             2
                                                                      began to fail, is that correct?
 3
         Yes, sir.
                                                             3
                                                                      Well, not the exact location. Of course not.
    0.
 4
          I certainly consider it a safe thing to do.
                                                             4
                                                                      But I can tell you it was further to the east,
5
         We already talked about that you can't tell us
                                                             5
                                                                      and it's sometime before location A. I don't
 6
          the distance from position A on Exhibit 36
                                                             6
                                                                      have enough information without making some
 7
          where the subject tire began to fail, is that
                                                                      assumptions or having further input as to the
8
          correct?
                                                                      area both in time or distance before
9
         Yes.
                                                             9
                                                                      position A.
    Α.
10
                                                                      And can you tell us any conditions that may
         Do you have any opinion as to how long in time
                                                            10
11
                                                            11
          it was prior to the vehicle being at position A
                                                                      have been manifesting on the tire itself prior
12
                                                            12
                                                                      to its ultimate failure?
          that the subject right tire began to fail?
13
         Not without further information, I do not.
                                                            13
    Α.
                                                                Α.
         As the vehicle appears in position A on
                                                                      You certainly don't know what caused the
14
                                                            14
                                                                Q.
15
          Exhibit 36, do you believe the right rear tire
                                                            15
                                                                      subject tire to fail, right?
          at that point had lost all of its tread and top
16
                                                            16
                                                                A.
                                                                      Well, that wasn't my area of analysis. So the
17
                                                            17
                                                                      answer is no, I don't.
         belt?
18
         No. I don't have an opinion one way or the
                                                            18
                                                                 0.
                                                                      All right.
    Α.
19
          other in that regard.
                                                            19
                                                                 Α.
                                                                      Not without information from someone else or
20
         Do you have an opinion one way or the other
                                                            20
                                                                      assumptions being made.
21
          where in the accident sequence the right rear
                                                                      Sure. And based on the laws of physics as you
                                                            21
                                                                Q.
22
          tire lost all of its tread and top belt?
                                                            22
                                                                      understand them with the right rear tire
                                                                      failure on the Below vehicle, it would have
23
    Α.
                                                            23
24
    Q.
         Are you aware of any other opinions that you
                                                            24
                                                                      been pulled to the right, is that correct?
25
          intend to offer at the time of trial that I
                                                            25
                                                                      I don't know about it being the laws of physics
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		Dago 1EA		Daga 1E6
1		Page 154 per se, but it's been my experience that that's	1	Page 156 STATE OF WISCONSIN)
2		what initially would occur with the right rear,	2	) SS:
3		there would be a tendency for the vehicle to go	3	MILWAUKEE COUNTY )
4		to the right initially.	4	I, DOREEN M. BROWN-SCHWAGER, a Notary
5	Q.	Sure. And that the only way it would get back	5	Public in and for the State of Wisconsin, do hereby
6	v.	to the left would be with a steer input and/or	6	certify that the above deposition of DENNIS SKOGEN,
			7	was taken before me, on October 13, 2016, at the
<b>7</b>		a braking of the vehicle, correct?	8	offices of Habush, Habush & Rottier, 150 East Gilman
8		MR. ROGERS: Object to the form. It's	9	Street, Madison, Wisconsin, commencing at 9:05 a.m.
9		incomplete.		
10	Α.	There could be some other ways, but those would	10	That it was taken in machine
11		be the most common ways.	11	shorthand by myself, and that the foregoing
12		MR. TAYLOR:	12	proceedings constitute a full, true, and correct
13	Q.	What other ways is it going to get back to the	13	transcription of my original machine shorthand notes
14		left?	14	taken at said hearing.
15	A.	We talked about that before. If you go off on	15	That said deponent, before
16		the shoulder, the coefficient on the right side	16	examination, was duly sworn to testify the truth,
17		is lower than on the left side, so there would	17	the whole truth, and nothing but the truth relative
18		be some pulling back to the left. We can talk	18	to said cause.
19		about drop-off of the edge of the roadway.	19	Law mben xway
20		There are a number of ways it could go	20	Dated this 20th day of October, 2016.
21		back to the left.	21	
22	Q.	Sure.	22	
23	A.	Steering is the most common way.	23	
24	Q.	Fair enough. In this accident sequence, is	24	
25		there any indication that the vehicle went off	25	My commission expires November 2, 2018.
1		Page 155		Page 157
1	7\	the roadway to the right?	2	-
2	Α.	the roadway to the right? $\ensuremath{\text{No}}$ .	2	Page 157
2 <b>3</b>	A. Q.	the roadway to the right? No. Is there any indication other than a steer	3	-
2 3 4		No.  Is there any indication other than a steer and/or braking by Mr. Below that put the	3 4	ERRATA SHEET
2 3 4 5		the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find	3 4 5	ERRATA SHEET  I declare under penalty of perjury that I have read the
2 3 4 5 6		the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?	3 4 5 6	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken
2 3 4 5 6 7	Q.	No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.	3 4 5	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at
2 3 4 5 6 7 8		the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.	3 4 5 6	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken
2 3 4 5 6 7 8 9	Q.	No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.	3 4 5 6 7	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at
2 3 4 5 6 7 8 9	Q.	No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.	3 4 5 6 7 8	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at
2 3 4 5 6 7 8 9 10	Q.	No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the	3 4 5 6 7 8	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at(city), (state),
2 3 4 5 6 7 8 9 10 11 12	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th,	3 4 5 6 7 8 9	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at (state), (state), and that the same is a true record of the testimony given
2 3 4 5 6 7 8 9 10 11 12 13	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th, 2016. Off the video record at 12:41 p.m.	3 4 5 6 7 8 9 10	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at(city), (state), and that the same is a true record of the testimony given by me at the time and place herein
2 3 4 5 6 7 8 9 10 11 12 13 14	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th,	3 4 5 6 7 8 9 10 11	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at(city), (state), and that the same is a true record of the testimony given by me at the time and place herein
2 3 4 5 6 7 8 9 10 11 12 13	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th, 2016. Off the video record at 12:41 p.m.	3 4 5 6 7 8 9 10 11 12	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at (city), (state), and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:
2 3 4 5 6 7 8 9 10 11 12 13 14	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th, 2016. Off the video record at 12:41 p.m.	3 4 5 6 7 8 9 10 11 12 13 14	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at (city), (state), and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th, 2016. Off the video record at 12:41 p.m.	3 4 5 6 7 8 9 10 11 12 13 14 15 16	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at (city), (state), and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th, 2016. Off the video record at 12:41 p.m.	3 4 5 6 7 8 9 10 11 12 13 14 15 16	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at (city), (state), and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th, 2016. Off the video record at 12:41 p.m.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at (city), (state), and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th, 2016. Off the video record at 12:41 p.m.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at (city), (state), and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th, 2016. Off the video record at 12:41 p.m.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at (city), (state), and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th, 2016. Off the video record at 12:41 p.m.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at (city), (state), and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th, 2016. Off the video record at 12:41 p.m.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at (city), (state), and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th, 2016. Off the video record at 12:41 p.m.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at (city), (state), and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q.	the roadway to the right?  No.  Is there any indication other than a steer and/or braking by Mr. Below that put the vehicle in the leftward position that we find it at point A on Exhibit 36?  MR. ROGERS: Object to the form.  Not of which I'm aware, no.  MR. TAYLOR: Okay. That's all I have.  We're off the record.  THE VIDEOGRAPHER: This concludes the deposition of Dennis Skogen on October 13th, 2016. Off the video record at 12:41 p.m.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	I declare under penalty of perjury that I have read the foregoing pages of my testimony, taken on (date) at (city), (state), and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:

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_				Page 158	
1			ERRATA SHEET	Page 136	
2	Dago	Lino	Should read:	Reason for Change:	
1	rage	ппс	Should read.	Reason for change.	
3					
4					
5					
6					
7					
8					
9					
10					
11					
12		_			
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15					
16					
17					
18					
19	Date: _				
20					
21			Signature of Witness		
22			0-5		
23			Print Name of Witne		
1			Print Name of Withe	SS	
24					
25					
-					